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INVENTORY OF THE COUNTY ARCHIVES

OF PENNSYLVANIA

Prepared by

The Historical Records Survey
Division of Women's and Professional Projects
Works Progress Administration

No. 40 LUZERNE COUNTY (WILKES-BARRE)

.

Harrisburg, Pennsylvania
The Historical Records Survey
December 1938

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The Historical Records Survey

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The Inventory of County Archives of Pennsylvania is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the Archives of Luzerne County, is number 40 of the Pennsylvania series.

The Historical Records Survey was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by the Historical Records Survey attempt to do more than give merely a list of records - they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of the Historical Records Survey, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey was organized and has been directed by Luther H. Evans, and operates as a nation-wide project in the Division of Women's and Professional Projects, of which Mrs. Ellen S. Woodward, Assistant Administrator, is in charge.

Harry L. Hopkins
Administrator

ORPHANS' COURT CHAMBERS
ELEVENTH JUDICIAL DISTRICT OF PENNA.

E. FOSTER HELLER
PRESIDENT JUDGE
WILKES-BARRÉ, PA.

The Commonwealth of Pennsylvania enjoys a history of a century and a half, a comparatively short period of time as it relates to the history of nations. Nevertheless, during that time, much of historical interest has taken place which should be preserved in tangible and concrete form for future generations. Particularly is that true of the history of Luzerne County, a unit of the Commonwealth of Pennsylvania. No county in Pennsylvania, other than Philadelphia, possesses so much in historical interest as does Luzerne.

We are fortunate indeed that the Federal Historical Records Survey in Pennsylvania, supported by the Works Progress Administration, has been able to gather together from the archives of the various counties, the written instruments from which we assemble the historical facts about the counties.

We have been particularly fortunate in having as the head of this Survey, Mr. Karl Goedecke, a resident of Hazleton, Luzerne County, who is the State Director of this work. He has built up a most efficient State Editorial Staff, composed of lawyers, political scientists, historians and librarians, who have edited and checked the work compiled by field workers in the various counties.

This Inventory as published herein is of great value at the present time, and it will arrive at its greatest value when consulted and referred to in future years.

Our gratitude and appreciation necessarily go out to those who have given of their time and enthusiasm in the preparation of this volume, and we extend to them our congratulations.

E. Foster Heller

PREFACE

A detailed program for a nation-wide survey of governmental records was first outlined in a letter written on January 11, 1934, by Dr. Francis S. Philbrick, Professor of Law at the University of Pennsylvania, Philadelphia, to Dr. Robert C. Binkley, Chariman of the Joint Committee on Materials for Research of the Social Science Research Council and the American Council of Learned Societies. General suggestions for such a program were also made by Dr. Jean Stephenson, National Chairman, Genealogical Records Committee, National Society, Daughters of the American Revolution, and other interested persons. Prior to this, however, Miss Gertrude MacKinney, Director of the Pennsylvania State Library and Museum, had made and put into effect plans for the conduct of a survey of this type in Pennsylvania. Miss MacKinney conferred with Dr. Curtis W. Garrison, State Archivist, and, finding him wholly in accord with the project, placed him in charge of the administration of the Survey, which was financed by a grant from the Civil Works Administration.

Subsequently the State Emergency Relief Board and other governmental relief agencies contributed to the advancement of the project. Thus Pennsylvania was one of the first States in which an attempt was made to carry on this work. The results of these early efforts may be considered the ground work of the task now being so carefully performed under the direction of Dr. Luther H. Evans, National Director. The work of the Historical Records Survey in Pennsylvania, as now organized, was commenced in March 1936, under Dr. Garrison's direction. Upon his resignation June 1, 1937, he was succeeded by Karl Goedecke.

We are indebted to the county officials for their wholehearted cooperation in our undertaking and their courteous treatment of our representatives. The Works Progress Administration of the Commonwealth of Pennsylvania, and especially the Division of Women's and Professional Projects in District 2, through Mrs. Anna O'Malley, Supervisor, have given us generous assistance without which we would have been unable to accomplish our objectives in Luzerne County.

The various units of the Inventory of County Archives of Pennsylvania will be published for free distribution to the libraries in Pennsylvania and to a limited number of libraries and government depositories outside the state.

Karl Goedecke

Philadelphia, Pennsylvania
December 1938.

Karl Goedecke
State Director

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Hon. E. Foster Heller, Judge of the Orphans' Court
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John A. MacGuffie, County Commissioner
John A. Riley, County Commissioner
Leon Schwartz, District Attorney
Richard Powell, Chief County Detective
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Joseph Morris, Register of Wills
William Morgan, State Inheritance Tax Appraiser
William Multer, Controller
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Charles Miles, Surveyor
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TABLE OF CONTENTS

Page

Part A. Luzerne County and its Records System

Historical sketch 1
Maps of Luzerne County 7
Governmental Organization and Records System 11
Charts of Luzerne County Government 29
Housing, Care, and Accessibility of the Records 33
Floor Plans of Luzerne County Courthouse 37
Abbreviations, Symbols, and Explanatory Notes 41

Part B. County Offices and their Records

I. Board of County Commissioners 44
Minutes. Taxation: Collection; Delinquent. Equipment and Supplies. Accounts. Veterans. Miscellaneous.

II. Solicitor 56

III. Recorder of Deeds 57
File book. Conveyances. Encumbrances. Corporations. Real Estate Plans. Contracts. Oaths and Commissions. Accounts.

IV. Prothonotary of the Court of Common Pleas 65
Oaths and Commissions Justices of the Peace. Juries. Trial and Argument Lists. Minutes. Liens. Judgments. Appeals. Executions. Bonds. Papers and Dockets. Partition. Ejectment. Naturalization. Appropriations. Dependents and Delinquents. Conditional Sales. Fictitious Names. Licenses. Accounts. Receipts for Papers. Miscellaneous.

V. Clerk of the Courts of Quarter Sessions and Oyer and Terminer 88
bonds. Trial and Argument Lists. Minutes. Papers and Dockets, Civil. Papers and Dockets, Criminal. Juveniles. Dependents. Roads and Bridges. Naturalization. Licenses and Registration. Elections. Accounts.

VI. Register of Wills and Clerk of Orphans' Court 101
Argument Lists. Minutes. Inventories and Appraisements. Taxation of Estates. Sales. Wills. Partition. Dockets. Adoption. Appointment of Guardians. Vital Statistics. Accounts.

Table of Contents

		Page
VII.	State Inheritance Tax Office	115
VIII.	Sheriff Service of Writs. Sheriff Sales. Dockets. Accounts. Licenses.	117
IX.	Coroner	124
X.	District Attorney	126
XI.	County Detectives	128
XII.	Grand Jury	129
XIII.	Jail Warden Commitments. Jail Records. Discharges. Identification of Prisoners. Equipment and Supplies. Accounts.	132
XIV.	Prisoner Commissioners	138
XV.	Probation Office Supervision of Released Prisoners. Accounts.	139
XVI.	Luzerne County Industrial School for Boys	142
XVII.	Jury Commissioners	144
XVIII.	The Board for the Assessment and Revision of Taxes Assessments. Taxation.	146
XIX.	Treasurer Collection of Taxes. Accounts. Licenses.	151
XX.	Mercantile Appraiser	157
XXI.	Controller Taxation. Budget. Contracts. Equipment and Supplies. Bonds. Minutes. Accounts. Vouchers. Elections. Financial Reports, Correspondence.	158
XXII.	Sinking Fund Commission	168
XXIII.	Salary Board	170
XXIV.	Registration Commission	171
XXV.	County Board of Elections Returns. Expense Accounts. Petitions.	174
XXVI.	County Superintendent of Schools Personnel. Statistics. Budget.	178

Table of Contents

Page

XXVII. Poor Districts of Luzerne County 184
Outdoor Relief. Almshouse. Mental Hospital.

XXVIII. Board of Trustees of Mothers' Assistance 192
Mothers' Assistance Fund. Pension Fund for the Blind. Old Age Pension Fund.

XXIX. Luzerne County Fresh Air Camp 197

XXX. United Charities of the City of Hazleton 199

XXXI. Children's Home of the City of Wilkes-Barre 201

XXXII. Surveyor 203

XXXIII. Engineer 205
Land Grants. Roads and Bridges. Miscellaneous.

XXXIV. Board of Viewers 208

XXXV. Sealers of Weights and Measures 209

Bibliography 211

Chronological Index to Records 219

Index 223

(First entry, p. 49)

HISTORICAL SKETCH OF LUZERNE COUNTY

Luzerne, a mountainous county in the northeastern part of Pennsylvania, is bisected by the broad North Branch of the Susquehanna River and drained by the upper waters of the Lehigh, a branch of the Delaware. In northern Luzerne the Susquehanna flows for twenty-one miles through the historic Wyoming Valley. Luzerne scenery owes much to the carving force of the Ice Age glaciers; its greatest wealth is the underlying anthracite coal, the world's richest deposit of that fuel. The county lies on the southern boundary of the great glacial ice cap which, as it melted, left behind hills of pebbly debris, scratched rocks, huge boulders and glacial pot holes. Luzerne includes within its bounds the greater part of the Wyoming coal field, the largest and most northern anthracite basin, and the middle anthracite coal fields centering around Hazleton in the southern section of the county (1).

Etienne Brule, a follower of Champlain, was the first European known to have seen what is now Luzerne County. On an expedition with the Hurons, in 1616, he traveled down the Susquehanna from the headwaters of its North Branch to the Chesapeake Bay (2). At that time all the Susquehanna Valley lay in the domain of the giant Susquehannock Indians. Two prehistoric earthmounds, supposed to have been made by the Susquehannocks before they were driven out by the Iroquois in 1675, were found by the first settlers who entered the present township of Kingston, territory of Luzerne (3). They were washed away by the flood of 1865.

A Dutchman, Arnold Viele, made a trip from New York to the Ohio River in 1692, passing through Luzerne by way of the Susquehanna. The next European travelers to come this way were German Palatines who passed down the Susquehanna in 1723, 1725, and 1729 on their way from Schoharie, New York, to new homes in Berks County, Pennsylvania (4). In 1728 Delaware tribes, subject to the Iroquois, established themselves here. Conrad Weiser, the interpreter, en route to the Six Nation Council at Onandago in 1737, mentions fur traders and land seekers from New York in the Wyoming Valley (5). The Delaware tribes built a village near the present site of Wilkes-Barre in 1743. Another group under the leadership of Teedyuscung built a village within the present limits of Wilkes-Barre. The pioneer Moravian Missionaries, Zinzendorf, Zeisberger, Mack, and others visited these Indian settlements frequently from 1742 until 1763 (6). In the latter year, however, following frequent hostilities between the Indians and the white settlers, the Indians were

1-Stewart Pearce, Annals of Luzerne County, Philadelphia, 1866, p. 159 et seq. 2- Oscar Jewell Harvey, A History of Wilkes-Barre, Luzerne County, Pennsylvania, Wilkes-Barre, 1909, I, 169 et seq. See also, chronological table of events in the history of the Wyoming region, 1616-1908, ibid., pp. 9-16. 3- Pearce, op. cit., pp. 17, 18; Harvey, op. cit., I, 172-175. 4- Harvey, op. cit., I, 181 et seq. 5- Ibid., pp. 169-182. 6- Ibid., p. 202 et seq.; Pearce, op. cit., pp. 31-34.

finally driven from the Wyoming Valley.

The territory of Luzerne was included in Northampton County (1752) in expectation of large migrations of Pennsylvania settlers into the Wyoming Valley. At the same time citizens of Connecticut were preparing to settle there, claiming it as part of the land granted to their province. The Susquehanna Company, formed by Connecticut citizens in 1753, purchased the land from the Six Nations at the Albany Council (1754). The first white settlers in Luzerne, a group of ninety-four who came from Connecticut in August of 1762, were augmented the following summer. In the fall of 1763 all were either massacred, captured, or driven out by enemy Delawares at the instigation of Pontiac, in his attempt to destroy all European settlements (7).

Returning in 1769, the Connecticut settlers found Pennsylvanians in possession. Undaunted, the former erected Fort Durkee; soon after, they were dispossessed by the sheriff of Northampton County, which action precipitated the struggle between Pennsylvania and Connecticut known as the Yankee-Pennamite War. The Decree of Trenton, in 1782, awarded the land to Pennsylvania (8). In 1772, Pennsylvania included this region in the newly formed county of Northumberland, divided from Northampton; the following year the Connecticut Assembly erected Wilkes-Barre and the surrounding region, sometimes referred to as the "seventeen townships", into the Town of Westmoreland, Litchfield County. In 1776 the Town of Westmoreland became the County of Westmoreland, Connecticut (9).

The Revolutionary years were especially harrowing for the Wyoming Valley because it was so accessible to attack from the nearby Iroquois headquarters in southern New York, and because Pennsylvanians who hoped to own the land joined with Tories and Indians in forays upon Connecticut settlers. On July 3, 1778 a thousand Indians and British came from the North Branch of the Susquehanna and attacked the forts in the Wyoming Valley, defeating Colonel Zebulon Butler's forces and routing the inhabitants. There followed the Wyoming Massacre, when two hundred and twenty-six settlers were killed. In retaliation, and to make sure that such a disaster should never be repeated, Washington sent General John Sullivan the next summer with five thousand men to destroy the Indian villages in southern New York. Sullivan at this time opened the first road from Easton on the Delaware through Wilkes-Barre to Elmira, New York (10).

The Second Pennamite War, waged over private land titles, was ended finally in 1784 with the vesting of title to land in the first settler upon it. A series of legislative acts and subsequent litigation, however, continued for almost twenty-five years before the question of land titles was

7- William H. Egle, History of the Commonwealth of Pennsylvania, Philadelphia, 1883, p. 887 et seq.; Harvey, op. cit., I, 250 et seq. 8- Harvey, op. cit., III, 1293 et seq.; Pearce, op. cit., p. 58 et seq. 9- Pearce, op. cit., p. 120 et seq.; Harvey, op. cit., I, 299 et seq., II, 795 et seq. 10- Harvey, op. cit., I, 429 et seq., II, 1145 et seq.

finally decided (11).

On September 25, 1786, an act of the Pennsylvania General Assembly erected Luzerne County, named in honor of the Chevalier de la Luzerne, the French Minister to the United States from 1779 to 1784. Wilkes-Barre was made the county seat. Laid out by Colonel Durkee in 1772 on a two hundred acre plot, the town was named for John Wilkes and Colonel Barre, distinguished advocates of liberty and rights of the colonies. Wilkes-Barre was incorporated a borough in 1806 and a city in 1871 (12).

The first court of common pleas convened at the home of Zebulon Butler in Wilkes-Barre. The justices were William Hooker Smith, Benjamin Carpenter, and James Nesbitt. The first prothonotary, surrogate, and county clerk was Colonel Timothy Pickering who had represented Luzerne in the Convention which ratified the United States Constitution. Colonel Pickering was elected to the Convention for forming the new State Constitution of 1790, and later filled the offices, successively, of Postmaster General, Secretary of War, and Secretary of State. In 1787, Lord Butler was made first sheriff. Jacob Rush was president judge from 1791-1806 (13).

A two-story courthouse was built of hewn logs in 1791. The first floor was used as jail and the second floor was the courtroom. The building became the Wilkes-Barre Academy in 1804 when a new courthouse was completed. The cornerstone for the present courthouse was laid in 1906 on River Common overlooking the Susquehanna River (14). From the original Luzerne County have been formed the counties of Susquehanna and Bradford in 1810, Wyoming in 1842, and Lackawanna in 1878.

The Connecticut settlers first entered the Wyoming Valley because of its promise as a fertile agricultural center. The first industries were those ancillary to farming, milling, and blacksmithing. Grist mills were being built in 1769. The first sawmill, erected on Mill Creek, began to serve the community in 1773. Seining and salting of shad from the Susquehanna began as soon as settlers came, and continued until about 1850, when water pollution destroyed the fish (15).

The last decade of the eighteenth century brought the peace and security in which industry and education could flourish. The county's first newspaper, The Herald of the Times, appeared in 1795 (16). Free schools, the first in the State, had been established at a town meeting held in Wilkes-Barre August 23, 1773, and continued to function until the State Common School Law of 1834 went into effect. The Wilkes-Barre Academy, founded in 1804, was the

11- Ibid., III, 1374 et seq., 1411 et seq.; Egle, op. cit., pp. 841, 948, 1000. 12- Pearce, op. cit., pp. 156-158, 183; Harvey, op. cit., II, 910 et seq.; III, 1529 et seq., 1552 et seq. 13- Harvey, op. cit., III, 1574 et seq. 14- Ibid., p. 1627 et seq., p. 1755 et seq.; Pearce, op. cit., p. 243 et seq. 15- Pearce, op. cit., p. 237 et seq.; Harvey, op. cit., III, 1674 et seq. 16- Pearce, op. cit., p. 389 et seq.

first institution of higher education in Luzerne County. It was incorporated in 1838 as the Wyoming Academy, and functioned in cooperation with the Wilkes-Barre Female Seminary after 1844. The Wilkes-Barre Institute, a secondary school for girls, founded in 1854 under the auspices of the Presbyterian Church, still flourishes. The Wyoming Seminary (Methodist) was founded in 1844 at Kingston, and has shown consistent growth (17).

The opening years of the nineteenth century witnessed a steady surge of industrial development coupled with improvement in transportation. Waterways offered the first means of transportation. Before 1801, Philip and John Arndt of Wilkes-Barre were building boats on an extensive scale. In these years the native coal first became a definite economic factor.

John Jenkins, Jr., surveying for the Susquehanna Company in 1762, is the first to leave a recorded mention of Wyoming coal. His report, however, indicates that its existence was already well known. It took experimentation over a number of years to awaken people to the usefulness of Pennsylvania anthracite as a fuel. Obadiah and Daniel Gore, blacksmiths who came with the Connecticut Company in 1768, were the first to use it. During the Revolution coal was shipped by boat down the Susquehanna to the Continental Armory at Carlisle. In 1788, Jesse Fell of Wilkes-Barre forged nails with anthracite as fuel. Four years later Colonel Jacob Weiss formed the Lehigh Coal Mining Company, the first coal company in the United States (18).

Originally it was the custom for blacksmiths and others to help themselves to coal wherever they saw it. In 1805 one Thomas Wright at Pittston notified the public that anyone taking coal from his land would be charged six cents per bushel. Abijah Smith, who came from Connecticut in 1806 was the first to purchase Wyoming land for its coal. Although his first shipments down the Susquehanna were hard to market, he persevered to become the first merchant to make coal buying and selling his sole occupation (19).

Oliver Evans, of Philadelphia, certified that he had successfully used anthracite coal in grates before 1803, and Samuel Brock made a note in his diary of 1807 that he had purchased a newly invented grate. In spite of the fact that coal grates were known earlier, Judge Jesse Fell, of Wilkes-Barre, is given credit for introducing the grate to the coal region where it could be most utilized, and for first showing his neighbors how to make domestic use of their coal; this was in 1808. The demand for "stone coal" showed an increase after that, but it was not until the war of 1812 shut off the supply of coal from Wales that Pennsylvania anthracite found a ready market (20).

From 1810 to 1830 the development of Luzerne County was aided by the fact that Wilkes-Barre was the terminus of the Easton and Wilkes-Barre Turnpike, and the point of transfer to river commerce. The marketing of coal was

17- Ibid., p. 234 et seq. 18- Ibid., p. 364 et seq.; Harvey, op. cit., IV, 1803 et seq. 19- Harvey, op. cit., I, 444 et seq. 20- Ibid., III, 1637 et seq., IV, 1805 et seq.

a serious transportation problem. In 1822 the Lehigh Coal and Navigation Company was established, thus consolidating the mining and transportation interests. The nearby Mauch Chunk Railroad, established in 1827, provided the link between the coal operations of the Lehigh Coal and Navigation Company with the Company's canal along the Lehigh.

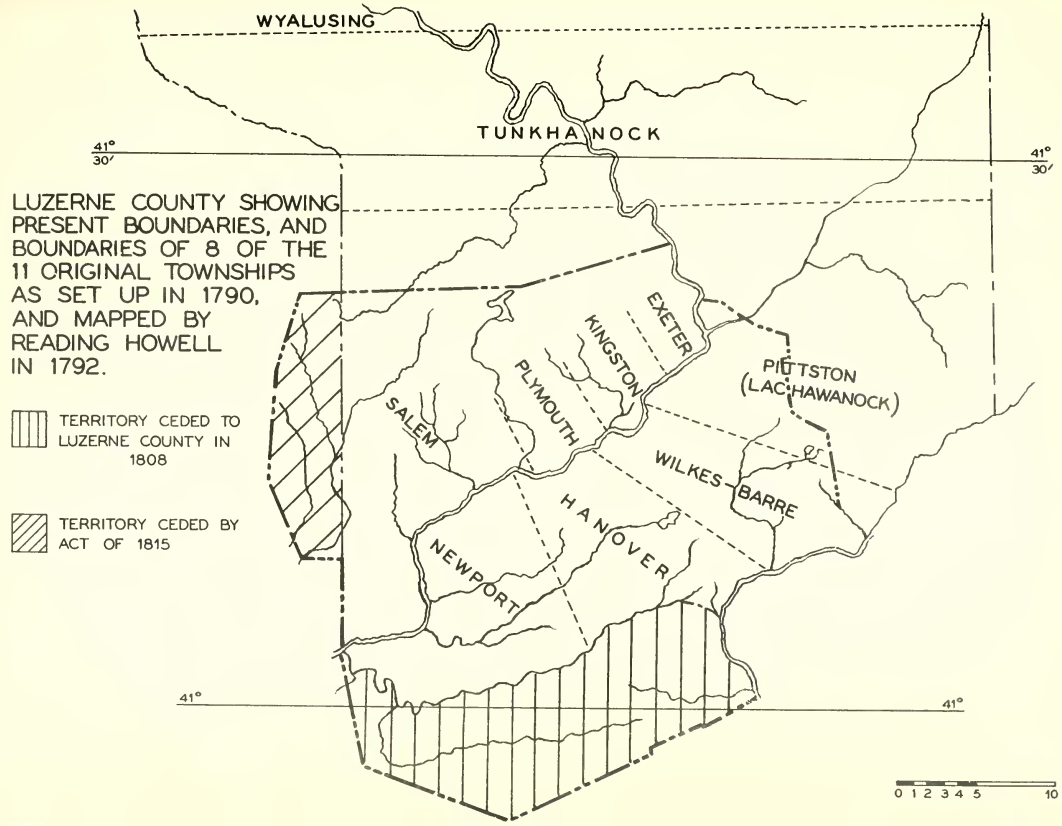
Canals were expected to solve all transportation problems in the 1830's. On June 1, 1831, Philadelphia newspapers noted the arrival of the first boat from Wyoming via canals. In May 1837 daily service by packet canal boat between Philadelphia and Wilkes-Barre was announced. The Lehigh Coal and Navigation Company was responsible for the first railroad in the Wyoming Valley, the Lehigh and Susquehanna, which was completed in 1843 from the canal terminus at White Haven to Wilkes-Barre (21).

The middle of the nineteenth century saw the establishment of the Vulcan Iron Works, which became in the following eighty years one of the industrial mainstays of the valley. It developed an international market in engines, machinery, and locomotives (22).

During the second half of the nineteenth century many changes in the mode of life were introduced in Luzerne County. The fuel supply close at hand and the convenient transportation were factors which brought more industries to Luzerne County, making it an important manufacturing center of the nation. In 1890, the 8,315 workers in Luzerne County produced goods having a value of $13,510,535; in 1930, 25,377 workers in 415 establishments produced $111,143,277 worth of goods. The population in 1930 was 445,109 (23).

The late nineteenth and early twentieth century saw many evidences of social unrest in the county. There were serious strikes and riots in 1875, 1877, 1897, 1900, 1902, 1915-16 and 1925-26 (24). As business enterprise grew, the coal industry passed more and more under the control of the railroad companies, and the percentage of independent coal operators decreased. In 1895 the independent operators accounted for 45 percent of the coal production; in 1921 they mined only 21 percent of the output. During the World War anthracite coal production reached its peak; in 1917 the total output of anthracite was 99,611,811 tons (25). Luzerne County still holds an untouched reserve of rich anthracite and remains an important manufacturing center.

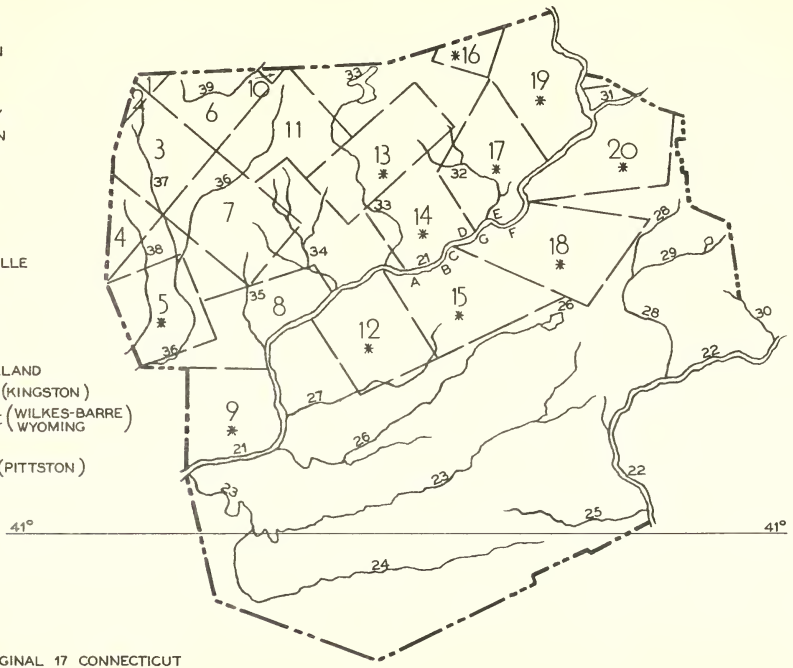
21- Pearce, op. cit., p. 455 et seq.; Harvey, op. cit., IV, 1890 et seq. 22- Harvey, op. cit., IV, 1983 et seq. 23- Ibid., p. 2089 et seq.; Eighth Industrial Directory of the Commonwealth of Pennsylvania, Dept. of Internal Revenue, Harrisburg, 1935, p. 390. 24- Harvey, op. cit., p. 2188 et seq. 25- Ibid., p. 2089 et seq., p. 2164 et seq.


WYALUSING
TUNKHANNOCK
41° 30′
41° 30′
LUZERNE COUNTY SHOWING PRESENT BOUNDARIES, AND BOUNDARIES OF 8 OF THE 11 ORIGINAL TOWNSHIPS AS SET UP IN 1790, AND MAPPED BY READING HOWELL IN 1792.
TERRITORY CEDED TO LUZERNE COUNTY IN 1808
TERRITORY CEDED BY ACT OF 1815
EXETER
KINGSTON
PLYMOUTH
SALEM
PITTSTON (LACKAWANOCK)
WILKES-BARRE
HANOVER
NEWPORT
41°
41°
0 1 2 3 4 5 10

LOCATION OF CONNECTICUT SURVEYS IN LUZERNE COUNTY

SURVEYS

1. WASHINGTON
2. NORFOLK
3. SOLON
4. SALISBERRY
* 5. HUNTINGTON
6. DORRANCE
7. MILTON
8. OSTIN
* 9. SALEM
10 EASTHAM
11 BALDWINSVILLE
* 12. NEWPORT
* 13. BEDFORD
* 14. PLYMOUTH
* 15. HANOVER
* 16. NORTHMORELAND
* 17. KINGSTOWN (KINGSTON)
* 18. WILKSBARRE (WILKES-BARRE) WYOMING
* 19. EXETER
* 20. PITTSTOWN (PITTSTON)



STREAMS AND LAKES

21. SUSQUEHANN RIVER
22. LEHIGH RIVER
23. NESCOPECK CREEK
24. BLACK CREEK
25. SANDY RUN
26. CRYSTAL LAKE AND WAPWALLOPEN CREEK
27. LITTLE WAPWALLOPEN
28. BEAR CREEK
29. MEADOW RUN
30. CHOKE CREEK
31. LACKAWANNA RIVER
32. TOPYS CREEK
33. HARVEYS LAKE AND CREEK
34. HUNLOCK CREEK
35. SHICKSHINNY CREEK
36. HUNTINGTON CREEK
37. KITCHELL CREEK
38. PINE CREEK
39. BOWMAN CREEK

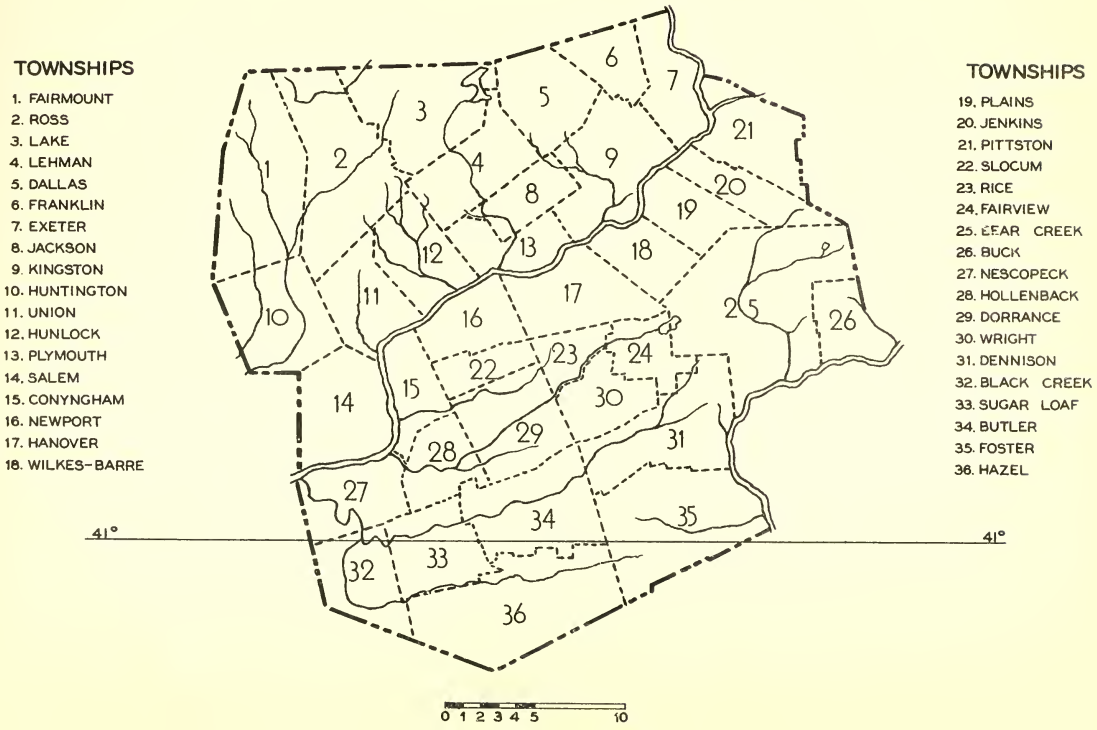
FORTS

A. FORT DURKEE
B. FORT WYOMING
C. FORT OGDEN
D. WINTERMOOT'S FORT
E. JENKIN'S FORT
F. 3 PITTSTON FORTS
G. MONOCKACY ISLAND

* 11 OF THE ORIGINAL 17 CONNECTICUT TOWNS

AS SHOWN ON MAP IN HISTORY OF WYOMING BY CHARLES MINER, 1845

LUZERNE COUNTY TOWNSHIPS AT PRESENT TIME



(First entry, p. 49)

GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Evolution of County Government

County government in Pennsylvania has its roots in the distant past. This form of government is an interesting sample of antiquity in American governmental institutions. The shire-reeve or sheriff was one of the most important officials of the ninth century of Anglo-Saxon England. Many of our present practices in counties go back to England of the middle ages and the early modern period. The early English settlers in Pennsylvania brought over English practices and English traditions of local government and these have always been the basis of Pennsylvania county government.

From 1664 to 1681 the area later known as Pennsylvania was operated under the Duke of York's laws. The administration of government was a close imitation of the English system. Pennsylvania was divided into ridings, towns or parishes. The high sheriff was the chief officer of the riding, while a constable and board of overseers managed the affairs of the town or parish. Under this primary colonial regime the principal unit of local government was the town or parish. Each town had its own court. The legislative body was composed of the constable and overseers who were also ex-officio church-wardens, and in this capacity served as the moral guardians of the parish. The court of sessions meeting in New York was a court of appeals in all judicial proceedings, and could disallow by judicial negation the legislative acts of the constables and overseers (1).

Justices' courts were introduced as early as 1672, and established by proclamation of Governor Andros in 1676 in Upland, Whorekill, and New Castle along the Delaware. These courts were given authority to levy taxes for "highways, poor, and other necessaries", and for the building of churches. It also decided all matters of twenty pounds or less without appeal, and had jurisdiction over criminal cases (2).

From the time that Penn took over the Commonwealth in 1682, until the Revolution, the foundations for the present county government, were laid. Under the proprietary administration a totally different system was instituted. The county became the chief unit in the administration of affairs and the town assumed little or no importance as a political division (3). Although the county justices' courts retained a large part of the power over county administration during this period they began to lose it to new county offices which were created from time to time. For example, the county commissioners were established in 1724 to relieve the courts of the work of assessments and taxation. While the sheriff, coroner, and clerk of the courts appear earlier than the board of county commissioners, the offices of prothonotary, recorder of deeds, register of wills, and others gradually follow.

Luzerne County was established by statute in 1786 and first operated under

1- E. R. L. Gould, Local Government in Pennsylvania, Baltimore, 1883, I, 21-23
2- Lawrence Lewis, Jr., "The Courts of Pennsylvania in the Seventeenth Century", The Pennsylvania Magazine of History and Biography, Philadelphia, 1881, V, 143. Gould, op. cit., p. 25. 3- Gould, op. cit., p. 27.

the provisions of the Constitution of 1776. It was carved out of the adjoining Northumberland County. The government then consisted of the three county commissioners, the sheriff, the coroner, and one justice of the peace from each of the three districts, and the grand jury. The county commissioners were elected directly by the voters of the county. The others were nominated by the voters and appointed by the president and the executive council of the Commonwealth. In addition, the General Assembly appointed a prothonotary and clerks of courts, and a register of wills and recorder of deeds. Overseers of the poor, road viewers and road overseers were appointed by the justices of the county court; while the county commissioners appointed their own treasurer and clerk. The president and executive council of the Commonwealth appointed a surveyor general who in turn appointed a deputy surveyor for Luzerne County. This set-up is graphically illustrated by Chart No. 1 on page 29.

It is interesting to read from a letter written by Timothy Pickering, Esq., who was appointed by the General Assembly as prothonotary, clerk of courts, clerk of orphans' court and register of wills, and recorder of deeds fro Luzerne County upon its establishment. He wrote to Governor Mifflin of Pennsylvania on August 16, 1791. In part his letter reads as follows;

> "In the Register's office, during a space of more than four years, but about a half dozen wills have been presented. Letters of administration have been more numerous."
>
> "In the orphans' court all the proceedings do not fill a quire of paper. In the court of general quarter sessions of the peace as little business has occurred as in the orphans' court. In the Recorder's office the deeds and mortgages are recorded in separate books, and if united would fill about three-fourth of one folio or demi, or about five quires of paper. The prothonotary's office furnished the most business. At the last term the number was about eighteen (cases)" (4).

The picture changed but slightly by 1791 when the new Constitution of 1790 went into effect. The governor now appointed the judges of the county courts who replaced the earlier justices of the peace. He also appointed, instead of the General Assembly, the register of wills and recorder of deeds, the prothonotary and clerk of the courts, and the surveyor general who in turn designated the deputy surveyor of the county. The county electorate was given no additional powers but the county judges now appointed three auditors. These changes are shown on chart No. 2 on page 30.

By 1854, a number of significant changes were made in the county system. By the provisions of the Constitution of 1838, most of the county officers were made elective for terms of three years. These included the office of prothono-

4- Oscar Jewell Harvey, "The Beginnings of Luzerne County, Pennsylvania," Proceedings and Collections of the Wyoming Historical and Geological Society, 1913-1914, Wilkes-Barre, 1914, XIII, 122.

tary, clerk of courts, register of wills, and the recorder of deeds which by this time, in Luzerne County, had been made separate offices. Elected also were the district attorney, the coroner, the sheriff, the county surveyor, the three county auditors, and the three county commissioners. In addition, a county treasurer was elected for a two year term, a president judge of county court for a ten year term and two associate lay judges for five year terms. The judges' appointing power was now restricted to overseers and road viewers while the governor appointed only the sealer of weights and measures. These changes are indicated by chart No. 3 on page 31.

From 1854 to 1937 very few fundamental changes in county government were made. In Luzerne County an elective controller was added to replace the three auditors, and office of judge of the orphans' court was created. The county court now consists of five judges elected for ten year terms, while the lay associate judges have been abolished. The sealer of weights and measures, the county solicitor, and the county engineer are now appointed by the county commissioners as is the board for the assessment and revision of taxes. This board appoints all the sub-assessors who replace the elected assessors of the local units. An examination of chart No. 4 will show the omission of road overseers and the addition of the probation officers, the board of directors of the Central Poor District and the Pittston-Jenkins Poor District from the ranks of those appointed by the judges of the court, the jail warden appointed by the prison commissioners, and the county detectives appointed by the district attorney. The terms of all constitutional county officers have been lengthened to four years by the Constitution of 1874. The development of such ex-officio boards as the salary board, the prison commissioners, and the sinking fund commission show a tendency to unite the efforts of these separately elected county officers in particular functions relating to the government of the county. Also there appear such boards as the county election board and the registration commission on which the county commissioners alone serve in an ex-officio capacity. In addition, are to be noted certain state agencies which work through the county, namely, the board of trustees of mothers' assistance, the mercantile appraiser, and the inheritance tax appraiser.

The County and the Commonwealth

The position of the county in the government of the Commonwealth of Pennsylvania is essentially the same as that of the other local subdivisions, namely, the city, borough, township, and school district. It is the agency of the state carrying out the duties given to it by the General Assembly. These duties are specifically delegated to the counties by statute law. The counties have no inherent right of self government but must look to acts of the legislature for their powers (5).

In general, the county is given the power to preserve order, administer justice, administer elections, probate wills, promote welfare, administer tax laws, and keep records of many matters relating to the life and property of its inhabitants. As a subordinate unit of government, the county is a corporate body with

5- 11 Super. 489 (1899).

power to sue and be sued, to own property for the benefit of its inhabitants and to make contracts in order to carry out the provisions of the laws relating to it (6). These corporate powers of the county are vested in the board of county commissioners.

While the General Assembly may establish county offices and prescribe the duties of those who fill them, its power is subject to constitutional limitations.

The most important of these limitations is the one prohibiting the General Assembly from passing special or local legislation for individual counties (7). Prior to the adoption of the Constitution of 1874, many such local laws were passed which applied to one particular county. Some of these are still in effect as the constitutional prohibition did not operate to repeal the then existing local laws.

But it is obvious that the laws relating to a county such as Luzerne, with a population of almost a half million, might not apply to a county such as Forest having a population of only about five thousand. Therefore, it was necessary for the General Assembly to find some way out of this difficulty. The way was found by classifying the counties according to population and passing laws for all counties in a given class. At first, the classification was made in a haphazard nature, different classifications being made for different pieces of legislation. However, in 1919 all the sixty-seven counties were classified into eight classes, and in 1923 a constitutional amendment was passed confirming this classification. Now, whenever a law relating to counties is passed, it applies either to all the counties or to a group of counties within a certain classification. Luzerne, with a population of 445,109 (8), is a county of the third class and is included in that group of counties having a population of 250,000 to 800,000. Other third class counties are Delaware, Lackawanna, Montgomery, and Westmoreland.

While the chief control over county government lies in the hands of the General Assembly, restricted in some particulars by the Constitution, the courts may also be considered important as a regulatory agency. They have the duty of interpreting the laws of the legislature as to their specific application and in their relation with the constitution. Many of the provisions of legislation are actually amended by court decision and it is only when the Supreme Court of the Commonwealth lays down a rule that the last word is spoken.

There are also other forms of control which the state exercises over the county. This is called state administrative control. Thus, some departments of the state government are given certain powers over and in cooperation with the counties. For example, the Department of Welfare of the Commonwealth passes upon plans for any county prison or almshouse, and it has power to make rules and regulations regarding the maintenance of these institutions. Likewise, the Department of Internal Affairs prescribes the forms used for county financial offices for their annual budgets and financial reports. Also the county sealers of weights and measures make periodic reports to the Bureau of Standards of the Department of Internal Affairs on the violation of laws which they enforce. There are many more such instances by which

6- 1929 PL 1278 s 22. 7- Const., Art. XIII. 8- Pennsylvania Manual, 1937, Harrisburg, p. 137.

the state has been gaining some control over the counties. This tendency is likely to continue as long as the need is felt for uniformity in practice among counties throughout the state.

While the different county offices will be analyzed in detail in succeeding chapters, it may be well to present briefly at this point a view of the county as a unit of operation.

One of the chief characteristics of county government in Pennsylvania is found in the fact that most of its officers are named specifically in the Constitution of the Commonwealth. By its provisions, county offices shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys and such others as may from time to time be established by law (9). Sheriffs and treasurers are not eligible to succeed themselves in office. Furthermore, these county officers are to be elected for four year terms. (10). Thus the Constitution prohibits the General Assembly from abolishing these offices and from making them appointive. Any change of this kind can come only by a constitutional amendment, approved by two successive legislatures and a vote of the electorate. However, in some of the smaller counties the law states that one person may hold more than one of the offices. For example, in sixth and seventh class counties, one person may hold the office of prothonotary and clerk of the courts; and one person may be register of wills, clerk of the orphans' court and recorder of deeds. Such laws, however, do not apply to third class counties such as Luzerne where one person occupies only one of the county offices.

All of these elected officers are virtually independent in their offices. That is, they are not subordinate to any other county officer or state officer. They are guided in the conduct of their office by the provisions of the law regulating their office. Of course, if they violate any of the provisions of the law they may be held to answer in the courts. There are provisions in the law that require them to cooperate with other county, state, and local officers, but in general they may be considered as masters of their office as long as they proceed according to law. It can be said, therefore, that no one office or agency is responsible for the administration of the county government as a whole.

Along with this feature of decentralization rides the century-old American practice of checks and balances. For example, in the general process of initiating, approving, inspecting, and expending for public works, a number of agencies in county government are involved. These include the county commissioners, board of viewers, the controller, the grand jury, the voters of the county, the judges of the district court and the citizens as petitioners (11). Not all of these are required in each public works undertaking, but they are involved at one time or another in the general public works program. If we add to this, certain state and federal officers who may be involved in present-day highway or work relief projects, we have indeed a

9- Const., Art. XIV, s 1. 10- Const., Art. XIV, s 2. 11- Jacob Tanger and H. F. Alderfer, Pennsylvania Government, State and Local, Harrisburg, 1933, p. 195.

complicated picture.

If there is any agency that can be considered the chief organ of county government, it is the board of three county commissioners. It levies and supervises the collection of county taxes, appropriates county funds, initiates most of the public works projects, administers election laws as ex-officio members of the county board of elections and the registration commission, purchases supplies, and appoints many of the subordinate officers. In addition in third class counties, it is, by virtue of its power to appoint boards for the assessment and revision of taxes, chiefly responsible for the assessment of taxable property for all local units. (See Board of County Commissioners, Board for the Assessment and Revision of Taxes, County Board of Elections, and Registration Commission).

Administration of Fiscal Affairs

Besides the board of county commissioners, there are a number of other finance officers important in the fiscal control of county government. The treasurer disburses county money as authorized by order issued by the commissioners and countersigned by the controller. He informs the commissioners and controller of the financial condition of the county treasury from time to time, collects delinquent taxes, conducts treasurers' sales of property on which taxes have become delinquent, and serves as a collection agency for certain taxes levied by the Commonwealth. (See Treasurer).

The controller countersigns all orders issued by the commissioners, scrutinizes bills to see that they are legally payable, see that bids for contracts are made in the proper manner, and audits accounts of county offices handling county funds. He also prepares the county budget adopted by the county commissioners and publishes an annual report of the financial condition of the county, In counties where there is no controller, three auditors make annual audits of county funds. Luzerne County has an elected controller as do all other third class counties. (See Controller).

The commissioners, the treasurer, and the controller together comprise the sinking fund commission of the county which is responsible for the administration of county funds to be applied toward the bonded indebtedness of the county (see Sinking Fund Commission). In third class counties, the salary board consists of the county commissioner and the controller who, with the head of the department whose employees are under consideration, determine the number and compensation of county employees not fixed by statute (see Salary Board).

The Preservation of the Peace and the Administration of Justice

The preservation of peace and the administration of justice are the particular concern of the sheriff, coroner, the district attorney, the county detectives, the grand jury, the jury commissioners, and the judges of the district court. The sherif is an officer of both the civil and criminal courts and executes writs directed by these courts. As an officer of the peace he may make arrests, and suppress riots and insurrections. The coroner investigates cases of sudden or suspicious death, having the power to hold an inquest if necessary and compelling attendance of jury and witnesses. The district attorney prepares for the grand jury, indictments of persons charged with crimes and violations of the law. He prosecutes all persons against whom a true bill is found by the grand jury before the trial court. The county detectives are under the supervision of the district attorney, and make in-

vestigations and arrests. The grand jury determines whether or not the evidence presented by the state is sufficient to hand down a true bill in which case the accused is held for trial. The jury commissioners select jurymen from a list of persons drawn and placed in the jury wheel. The judges of the district court in their capacity as judges of the quarter sessions and of oyer and terminer, try persons brought before them charged with crime. (See Sheriff, Coroner, District Attorney, County Detectives, Grand Jury, and Jury Commissioners).

Penal Administration

Penal administration is the task of the prison commissioners, the jail warden, and the probation officers. The county prison is under the management of the prison commissioners. The jail warden is responsible for the welfare of the inmates of the county prison. The probation officers take charge of those persons convicted of crime but who are not sentenced to a penal institution. (See Prison Commissioners, Jail Warden, and Probation Office).

The Keeping of Records

One of the most extensive functions of the county is the keeping and indexing of records relating to private properties, taxes, court procedure, wills, and many documentary facts relating to county and local government. The important clerical offices include the prothonotary, the clerk of the courts, the register of wills, the recorder of deeds and the clerk of the county commissioners. The prothonotary is in charge of records, documents and dockets arising out of the court of common pleas. The clerk of the courts is custodian of records relating to the various activities of the criminal courts. (See Prothonotary). The register of wills who is also clerk of Orphans' Court, records documents relating to the settlement of estates. (See Register of Wills and Clerk of Orphans' Court). The recorder of deeds has charge of recording and indexing deeds, mortgages, and other documents relating to private property (see Recorder of Deeds). The chief clerk of the commissioners is in charge of the routine management of the office of the county commissioners with its extensive records relating to taxation, finance, election and assessment of property for taxable purposes (see Board of County Commissioners).

Specialized Duties of Certain County Officers

Other county officers include the surveyor who at one time surveyed lands for which patents had not yet been issued, but who in recent years has become relatively insignificant as a county officer (see Surveyor). There are also sealers of weights and measures whose duties are to test all instruments used in measuring and weighing goods to be sold (see Sealers of Weights and Measures). The board of viewers view property for the purpose of opening, grading, or vacating county roads and bridges, and assesses damages for property destroyed (see Board of Viewers).

Education

For the purpose of administering its public school system, Pennsylvania is divided into school districts which follow city, borough, and township lines. These districts are divided into four classes according to population. The Department of Public Instruction supervises the school system. In each district is an elected board of school directors, who appoints the superintendent of schools. County superintendents are elected for a four-year term at a meeting attended by school di-

rectors of all districts with schools that come under their supervision. The office expenses are paid by the county. The county superintendent of schools, however, is not strictly a county officer, but one who represents the State Department of Public Instruction, and whose salary is paid by the state (see County Superintendent of Schools).

For children who suffer from unusual handicaps, school districts in the larger cities have special classes for the mentally deficient, and open-air schools for those who are undernourished or threatened with tuberculosis. In addition, state-owned and state-aided schools provide institutional equipment for the teaching of the mentally defective, the blind, and the deaf. The Pennsylvania Training School for Mental Defectives at Elwyn receives state aid, and admits children from all over the state. A state-owned institution at Polk is principally for feeble-minded children. The state-owned Pennsylvania State Oral School for the Deaf in Scranton is intended for the instruction of deaf children under six years of age. State-aided institutions are the Pennsylvania School for the Deaf at Philadelphia; The Pennsylvania Institution for the Blind, Pittsburgh, and the Western Pennsylvania School for the Deaf, Pittsburgh.

Legislation exists to enable the state not only to pay out of the state school fund the expenses of the blind and deaf children, but also to pay their expenses in institutions of higher learning (12).

Training and education for delinquent boys is provided for at the Luzerne County Industrial School for Boys (See Luzerne County Industrial School for Boys). Delinquent girls of Luzerne County are sent to Sleighton Farms, a state correctional school.

As part of an agricultural program the Pennsylvania State College in cooperation with the Federal Department of Agriculture has established the Luzerne County Agricultural Extension Service under the direction of a county agricultural agent for the purpose of educating farmers and conducting demonstrations in home economics. The records of this office have been surveyed by the Federal Archives Survey, and are not therefore included in this inventory.

Health, Planning, and Recreation

The county commissioners have the power to appoint a health board, but in general it may be said that the counties are not very active in health work. This function in Luzerne County is administered mostly by the State Department of Health, established in 1905, and the local city, borough, and township health officers or boards. The Department of Health of Pennsylvania conducts clinics for persons infected with tuberculosis and with venereal disease under the direction of the county medical inspector, appointed by the State Department of Health. Much of this work has been made possible through funds provided by the Federal Social Security Act.

12- 1925 PL 74. See Neva R. Deardorff, Child Welfare Conditions and Resources in Seven Pennsylvania Counties, U. S. Dept. of Labor, Bulletin No. 176, Washington, 1927, p. 66.

Other duties of the county medical inspectors include supervision of the work of the local health authorities in the control of contagious diseases, the abatement of nuisances, and medical inspection of rural schools (13). In addition, there is the annual medical inspection of all school children in school districts having a population of 5,000 or more, supervised by medical inspectors appointed by the local school boards. This work must be conducted according to standards prescribed by the State Department of Health (14).

Dental hygiene in the schools and health centers is conducted by hygienists of the State Division of Dental Hygiene of the Health Department, and others employed by the Maternal and Child Health program of the Social Security Act.

In Luzerne County there are many private agencies which have taken intiative in promoting health and preventing disease. These organizations consist chiefly of tuberculosis associations, societies for crippled children, Red Cross chapters, and visiting nurses' associations, all of which have contributed outstanding services. The Kirby Health Center at Wilkes-Barre is one of the few institutions of its kind in the country.

Indigent tubercular patients are the charges of the county. The county commissioners are authorized to build and maintain a county tuberculosis hospital, but to date no such institution exists. Instead, the county commissioners send such patients to the White Haven Sanatorium for care on a per capita basis. In Luzerne County a fresh air camp for undernourished children has been established, supported partly by the board of county commissioners, and partly by local tuberculosis associations (see Luzerne County Fresh Air Camp).

The commissioners may also construct contagious disease hospitals (15), and hospitals for women suffering from nervous diseases (16). As yet, these hospitals have not been built in Luzerne County. A new county detention home for delinquent women will be opened in 1938 where adequate facilities are provided for the treatment of venereal diseases. Epileptic males are sent to Selinsgrove, a state-aided institution. Epileptic females are sent to Ransom or Retreat.

The board of county commissioners may appropriate money to promote health activities (17), for the suppression of animal and plant diseases in cooperation with the State Department of Agriculture (18), and for the extermination of mosquitoes (19). It may also appropriate money for the support of any hospital within the county's limits (20).

The board of county commissioners is authorized to appoint a county planning board, which may make recommendations on the location of public buildings, streets, railways, playgrounds (21). As yet a planning board has not been appoint-

13- Beardorff, op. cit., p. 47. 14- 1911 PL 309 s 1, 501 am. 1921 PL 939 s 1. 15- 1929 PL 1278 s 617. 16- 1929 PL 38 s 1. 17- 1929 PL 1278 s 447. 18- 1929 PL 1278 s 446; 1935 PL 226 s 1. 19- 1935 PL 641 s 6. 20- 1929 PL 1278 s 441; 1931 PL 401 s 1. 21- 1937 PL 2, 124 s 501.

ed in Luzerne County. The board of county commissioners may also appropriate money for flood control (22), and for recreation centers (23).

Institutional and Non-Institutional Relief

Prior to and including 1937 the administration of indoor and outdoor poor relief in Luzerne County was the responsibility of three consolidated districts and numerous township and borough districts. The indigent poor and mentally deficient of the county were sent to the Ransom Home and Hospital at Ransom, maintained by the Pittston-Jenkins Poor District in Lackawanna County; the Retreat Home and Hospital at Retreat, maintained by the Central Poor District in Luzerne County; and the Laurytown Home near Weatherly in Carbon County, maintained by the Middle Coal Field District (see Poor Districts of Luzerne County). In 1938 the board of county commissioners will have the power of administering the newly created county institution district which will include the Retreat Home and Hospital. The board will also be made responsible for dependents in state institutions. All local poor districts will be abolished, and the Department of Public Assistance of the Commonwealth will be made responsible for the administration of all outdoor direct relief and will establish its own county board of assistance for local administration (24).

This local board will be composed of unpaid citizen members who will appoint a paid director and a staff. Appointment will be made on the basis of a civil service merit system. The county assistance board will administer the functions now exercised by the board of trustees of mothers' assistance which since 1913 has administered mothers' assistance, and since 1934 has granted benefits to the aged and the blind. In addition to these duties the new board will administer unemployment relief, and child caring services for dependent and neglected children (See Board of Trustees of Mothers' Assistance).

Aid to Dependent Children

The care of dependent children is the legal responsibility of the poor directors of the consolidated poor districts and the local overseers of the poor. Normal children may not be kept at the almshouse for longer than sixty days. They must then be placed as apprentices in private homes or sent to private charitable homes such as the United Charities Home in Hazleton (See the United Charities of the city of Hazleton), or at the Children's Home of the City of Wilkes-Barre (See Children's Home of the City of Wilkes-Barre). From 1903 until 1922 the court of common pleas appointed a board of visitation to inspect all institutions receiving dependent and delinquent children. This board ceased to function because the court no longer considered it necessary. In 1938 children in institutions will become the sole charges of the board of county commissioners (see Poor Districts of Luzerne County).

22- 1911 PL 260 s 1, 2; 1929 PL 1278 s 461. 23- 1919 PL 784 No. 322 s 144 am. 1927 PL 56 s 1, 2; 1929 PL 1278 s 650, 651. 24- See Wilmer Krusen, "Public Poor Relief and County Welfare," The Medical Searchlight and Science Bulletin, XI, No. 1, Jan. 1935.

Since 1893 the court of quarter sessions has had jurisdiction of cases involving the care of dependent children (25). This court may likewise sign an order committing a child to a charitable institution (see Probation Office).

Treatment of Delinquent Children Awaiting Trial

There is no special detencion home in Luzerne County for children awaiting trial in the juvenile court, nor has there been developed any plan for the social, medical, and physchological study of children awaiting hearing. The detention facilities made use of are: The United Charities Home in Hazleton, and the Luzerne County Industrial School for Boys.

Development of the Judicial System in Luzerne County

Like the county government proper, the judicial system of the Commonwealth has gone through significant changes since 1786 when Luzerne County was established (26). At that time the county court consisted of a court of common pleas and a court of quarter sessions which had been established for all counties of Pennsylvania in 1722. The court of common pleas heard and determined civil actions, while the court of quarter sessions was given jurisdiction over minor crimes and misdemeanors. In 1791, the court of oyer and terminer was established with jurisdiction over crimes of a more serious nature. Before that, such cases were heard by a justice of the supreme court of the Commonwealth and local justices sitting with him as associates.

By terms of the Constitution of 1776, the justices of these county courts were nominated by electors of districts and chosen by the president and executive council of the Commonwealth. They were designated as justices of the peace with seven year terms and also assigned as justices of the court of common pleas, court of quarter sessions, the orphans' court and, after 1791, the court of oyer and terminer. When Luzerne County was established it was divided into three such districts, the voters of each nominating four persons for justices. From this list of twelve men the following were chosen:

Matthias Hollenback and William Hooker Smith for the first district,
Benjamin Carpenter and James Nesbitt for the second district;
Obadiah Gore and Nathan Kingsley, for the third district (27).

Prior to 1791 each county comprised a single judicial unit. Pursuant to the provisions of the Constitution of 1790, the General Assembly divided the state into five districts, none of which could include more than six, nor less than three counties. The governor appointed a president judge for each district and no fewer than three and no more than four judges for each county to serve during good behavior (28). These judges comprised the respective courts of common pleas, quarter sessions, orphans', and oyer and terminer. At that time Luzerne County was made part of the third judicial district. Since then it has

25- 1893 PL 339. 26- For a discussion of the earliest courts in Pennsylvania, see William H. Loyd, Early Courts of Pennsylvania, Boston, 1910. 27- Oscar Jewell Harvey and Ernest Gray Smith, A History of Wilkes-Barre, Wilkes-Barre, 1927, III, 1570. 28-Const., 1790 Art. V, s 2,4; 1791, 3 Dall 92, 3:Sm L 29.

been changed several times by act of legislature; it is now the 11th judicial district. In 1849 it was provided that governors' appointments to the bench should be subject to the approval of the Senate. The terms of the associate and president judges were fixed at five and ten years respectively (29). In 1851 the judges became elected by the voters of the county and this provision is still in effect, the judges having a ten year term.

A separate orphans' court with one judge was established in Luzerne County in 1874 (30).

It is interesting to note that the cities of Carbondale and Scranton, incorporated in 1851 and 1866 respectively, and which were then within the limits of Luzerne County, had their own courts prior to 1874. These Courts had jurisdiction somewhat similar to the Luzerne County court (31). They were called Mayors' courts but were abolished by the operation of the Constitution of 1874. Their records are now in the office of the prothonotary of Lackawanna County in which county they are now located; they will be considered in detail in the Inventory of the County Archives of Pennsylvania No. 35, Lackawanna County.

The locally elected justices of the peace in boroughs and townships and the aldermen of wards of cities of the second and third classes have continued in more or less the same capacity as justices of the peace since the establishment of Luzerne County in 1786. Acts of the General Assembly have from time to time made some changes in their powers, terms, and methods of election. But in general there has been no fundamental alteration of the minor judiciary in Pennsylvania since the beginning of the Commonwealth.

It is thus apparent that the county government and the judicial system of the Commonwealth as illustrated in Luzerne County is rooted deep in the two and one-half centuries of Pennsylvania history. Fundamental readjustments have been few and far between, alterations have been made piece-meal. New developments have been indicated by experience and necessity. Stability has certainly been achieved. Always, however, new problems arise and future changes will be made when such problems demand new methods of procedure.

The Organization of the Judicial System in Luzerne County

The courts within Luzerne County are an integral part of the county government, yet they must also be considered as part of the state judicial system. While the judges of the district court are elected by voters within the county, their salaries are paid from Commonwealth funds. No county officer has any power to alter or change the acts of the judges, yet they have a large number of duties relating to county government.

Briefly the work of the courts may be stated as including the adjustment of disputes between parties, the settlement of estates of deceased persons, the determination of the guilt or innocence of persons accused of violating the laws of the Commonwealth, and the safe-guarding of the rights of the individual according to

29- Const., 1838, Art. V, s 2. 30- 1874, PL 206. 31- 1851 PL 163; 1866, PL 1034.

the terms of the Constitution of Pennsylvania. Furthermore, these courts have the power of upholding the balance between various parts of the complicated governmental machinery. They also act as an administrative agency of government in local areas. In doing this, they can interpret, expound, and expand the statutory and common law under which we live.

As far as the inhabitants of Luzerne County are concerned, we may divide the court system of Pennsylvania as follows:

(1) The justices of the peace and aldermen.
(2) The district court, which includes:

(a) court of common pleas
(b) court of oyer and terminer and general jail delivery
(c) court of quarter sessions of the peace
(d) orphans' court
(e) juvenile court

(3) the superior and supreme courts.

Justices of the peace and aldermen comprise the lowest rung of the judicial ladder. These officers are elected in various townships, boroughs, and wards of cities for terms of six years. Theirs are not courts of record and they have jurisdiction over the lesser crimes and disputes. However, they may bind over for grand jury and subsequent trial in the higher courts cases brought before their attention which, in their opinion, deserve further action. Their power in this respect is laid down by acts of legislature. They have numerous administrative duties in connection with which they must keep records. These records will be catalogued in the forthcoming inventory of municipal records.

The judges of the district court are, technically speaking, judges of the court of common pleas, yet these judges preside over all the other courts in the district unit as named above. They are elected for terms of ten years. Their jurisdiction extends to all criminal cases whatever their nature, and all civil cases. Generally speaking, the criminal cases are brought up in the court of quarter sessions and that of oyer and terminer and general jail delivery, while civil cases are heard in the courts of common pleas. The orphans' court has to do with the settlement of estates while the juvenile court is in charge of childrens' cases. However, the judges are the same in all courts in Luzerne County excepting the orphans' court which was created as a separate office. In 1937 Luzerne County had five judges of courts of common pleas and one judge of the orphans' court. They are elected for ten year overlapping terms.

The superior court and the supreme court of Pennsylvania are the two appellate courts of the Commonwealth and operate for the state as a whole. The superior court, established in 1895 has final jurisdiction in appeals of all criminal cases except those involving felonious homicide and cases involving the right to a public office. In civil controversies its jurisdiction is appellate in all cases involving less than $2,500.

The supreme court is the highest court of the state. It has original jurisdiction in cases of injunction where a corporation is the party defendant, of

habeas corpus, or mandamus to courts of inferior jurisdiction and of quo warranto as to officers of the Commonwealth whose jurisdiction extends over the state. It has appellate jurisdiction by appeal, certiorari, or writ of error in all cases as is provided by law (32). The supreme court hears directly, on appeal from the district courts, cases involving sums over $2,500 and criminals accused of felonious homicide. Because the supreme court is the highest court in the judiciary hierarchy of the Commonwealth, it may be said that it is the last word in the interpretation of the constitution and the laws of the state. However, it must be remembered that almost all of the cases originate in the lower courts and the supreme court acts upon decisions rendered by these lower courts.

Safety of Records

The legislation applicable to the keeping of records concerns not only specific books required of the county administrative officers but also methods of keeping records, dockets, and indexes. In 1790, an act was passed which for the first time in Pennsylvania prescribed for the safety of records. This statute authorized the commissioners, with the approval of the court of quarter sessions and grand jury, to erect a building of brick or stone for holding courts, and for the safekeeping of records of the prothonotary, clerk of quarter sessions, recorder of deeds, clerk of orphans' court, and register of wills (33).

Supervision of Court of Common Pleas Over Records

In 1827 the judges of the court of common pleas were given the authority to supervise the records kept by the clerk of courts, the recorder of deeds, and the register of wills. The judges may direct the preparation of complete indexes of all matters contained within their books (34). Once a year these officers are required to submit all their books of records to the judges for their inspection. The judges may also order those books and records which require it, to be rebound (35).

Their direction over dockets, records, and indexes was later extended when, in 1839, the judges were required to ascertain whether the records, books, indexes, and files of all court clerks were kept as the law contemplated; and if neglect were apparent, to direct the correction of any deficiency (36). Again, in 1891, they were empowered to alter the mode of preparing the indexes (37), and to direct the preparation of new indexes (38). These are prepared not by the court, however, but by the proper county officers (39), and at the expense of the county (40).

Whenever a transcription is made, it must be certified by the proper officer that it is a true copy of the original record (41).

The books required of the clerical officers and all other officals in Luzerne County, are supplied by the commissioners at the cost of the county (42).

32- Const., Art. V, s 3. 33- 1790, 2 Dall 778. 34- 1827 PL 154 s 5. 35- Ibid. s 4. 36- 1839 PL 676 s 1. 37- 1891 PL 129 s 1. 38- Ibid., s 2. 39- Matter of Re-Indexing Judgment Dockets, 1 Dauph. 390 (1898). 40- 1891 PL 129 s 3. 41- 1827 PL 154 s 1,2; 1879 PL 136 s 1. 42- 1821 PL 50, 7 Sm L 367 s 8; 1837 PL 676 s 1; 1929 PL 1278 s 57.

Supervision of Orphans' Court Over Records of Register of Wills

When a separate orphans' court exists, as in Luzerne County, the judge of this court is given the sole power to supervise records and indexes belonging to the offices of Clerk of orphans' court and register of wills (43).

Mechanical Devices for Preserving Records

As mentioned above, the method of recording is prescribed by statute. In Luzerne County, most of the records today are handwritten on printed forms or typed in books by typewriters especially designed for this purpose. In 1937 county officers were authorized to record any document, plat, or paper by photostatic, photographic, or other mechanical device (44).

Lack of Uniform Accounting System in the Keeping of Financial Records

The laws of Pennsylvania do not specify that any particular accounting system be adopted in the keeping of county financial records, nor are there any statutes requiring that records be combined to eliminate separation, duplication, and overlapping. In 1935, however, the Department of Internal Affairs of the Commonwealth was given power to prescribe uniform budget and annual report forms for counties (45).

General Provisions

There are certain general provisions concerning county records. Whenever a county has been divided and from it a new county formed, all mortgages, judgments, verdicts, orders, and all records made in the original county must be copied and certified by the recorder, the prothonotary, the clerk of courts, the register of wills, or other officer, and entered by the same officer in the new county as part of the records of his office (46).

All newly elected county officials are required to receive records and documents belonging to their office from their predecessors. Any officer refusing to surrender these records and documents is guilty of a misdemeanor, and is required to pay a fine of one hundred dollars or undergo imprisonment (47).

The commissioners, controller, treasurer, sheriff, recorder of deeds, prothonotary, clerk of courts, clerk of orphans' court and register of wills, and district attorney are required to keep all public records at the county seat, under a penalty of five hundred dollars (48).

Records Open to Inspection of Public

The minute books and other fiscal records and documents are open to the inspection of every taxpayer. In case any county officer should refuse to allow

43-1891 PL 129 s 5; 1929 PL 776 No. 327 s 1. 44- 1937 PL 739 No. 193 s 1. 45- 1929 PL 1278 s 370.1 added 1935 PL 1184 s 3. 46- 1901 PL 138 s 1. 47- 1804 PL 488 s 1-3 am. 1929 PL 1278 s 58. 48- 1834 PL 537 s 12 am. 1929 PL 1278 s 56.

inspection, the taxpayer may, upon court order, be permitted to examine the records (49).

Location of Early County Records

From 1752 to 1772 the territory of Luzerne was included in the Pennsylvania County of Northampton. All Pennsylvania county records of that period will be found in the courthouse at Easton, Pennsylvania. In 1772 Northumberland was erected from a part of Northampton, and included the present territory of Luzerne. Records for the territory from 1772 until the erection of Luzerne County in 1786, will be found in the courthouse at Sunbury, Pennsylvania. These records will be listed in the Inventory of the County Archives of Pennsylvania, No. 48, Northampton County, and the Inventory of the County Archives of Pennsylvania, No. 49, Northumberland County.

At the same time Connecticut claimed jurisdiction in this area. The northern half of Luzerne County was included in the town of Westmoreland, Litchfield County, Connecticut, erected by the Connecticut Assembly in 1773. Three years later the Town of Westmoreland became the County of Westmoreland, Connecticut. All Connecticut claim to jurisdiction in this territory ceased in 1782 with the Decree of Trenton (see Historical Sketch of Luzerne County).

Nearly all the town and county records of Westmoreland were either completely destroyed or widely dispersed at the time of the British and Indian invasion in July 1778. Later, during the Pennamite-Yankee difficulties, other public and private records were destroyed by the Pennsylvanians. No effort was made in the early days by the people of Wyoming Valley to gather up these dispersed and lost records. When special commissioners were appointed in 1799 to settle disputes between Pennsylvania and Connecticut claimants as to land titles, many records were submitted as evidence which have since been lost (50).

The extant records are:

1. Westmoreland Probate Records, now in the possession of the Wyoming Historical and Geological Society, Wilkes-Barre, Pennsylvania. Printed in Volume 18 of the Proceedings and Collections of the Wyoming Historical and Geological Society.

2. Records of the Town of Westmoreland, in 4 volumes, containing many land transactions as well as minutes of the meetings of the inhabitants. Volumes 1, 2, and 4 of the original records are reputed to be in possession of the estate of Steuben Jenkins, volume 3 of the set, containing 200 pages of the original 2,000, is in the collection of the Wyoming Historical and Geological Society, and has been partially printed in volume 12 of the Proceedings and Collections of the Wyoming Historical and Geological Society.

49- 1929 PL 1278 s 111 added 1935 PL 730 s 1. 50- Harvey and Smith, op. cit., I, 28.

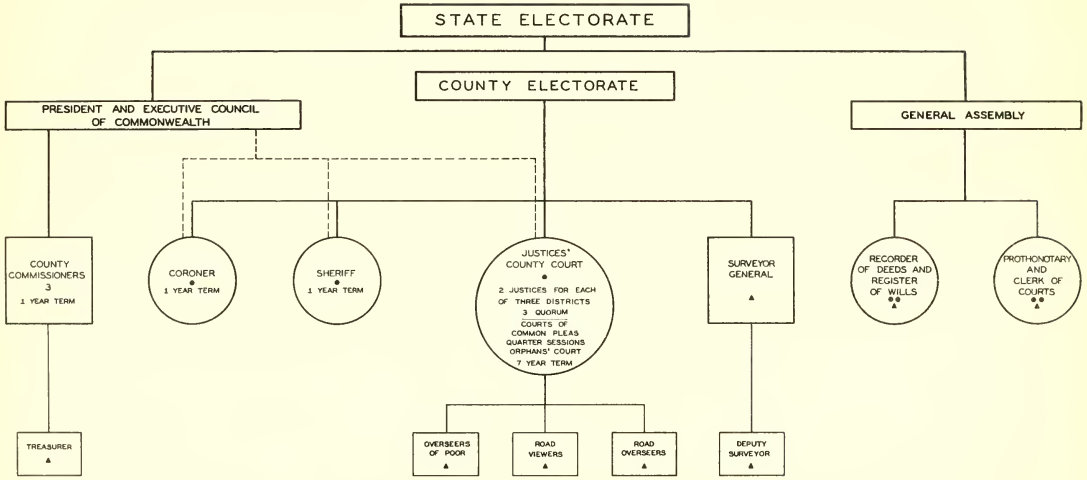
3. Lists of Taxable Inhabitants in the Town and County of Westmoreland, 1776-1780, are found printed in Volume 5 of the Proceedings and Collections of the Wyoming Historical and Geological Society.

By an act of the Pennsylvania General Assembly passed April 4, 1805, the Westmoreland records were authorized to be deposited with the recorder of deeds of Luzerne County (51). Whether or not these records were ever placed there cannot be ascertained, but they are not there now. On March 28, 1808, the General Assembly passed an act (52) suspending the powers of the special commissioners under the act of 1799, and required them to deposit their books, records, and papers with the Secretary of the Land Office of the Commonwealth (now the Department of Internal Affairs). So far as can be learned these records were never deposited there. However, reference has been made to them in the "Report of the Public Archives Commission, of the American Historical Association", vol. 2, p. 285, 1900 as the "Seventeen Township (Wyoming)" papers. These papers were reputed to have been boxed and stored in the cellar of the State Capitol building (53).

51- 1805 PL 284. 52-1808 PL 176 s 111. 53-Harvey and Smith, op. cit., I, 27.

CHART OF
GOVERNMENT OF LUZERNE COUNTY
PENNSYLVANIA
1787

CHART BASED ON CONSTITUTION OF 1776



LEGEND

◯ ESTABLISHED BY CONSTITUTION

▭ ESTABLISHED BY STATUTE.

▲ TENURE OR NUMBER OF OFFICERS NOT DETERMINED BY STATUTE.

● DOUBLE THE NUMBER OF APPOINTEES FOR EACH OFFICE ELECTED BY FREEMEN ONE PERSON FOR EACH OFFICE RESPECTIVELY CHOSEN BY PRESIDENT AND EXECUTIVE COUNCIL.

●● THE OFFICES OF RECORDER OF DEEDS, REGISTER OF WILLS, PROTHONOTARY, AND CLERK OF COURTS WERE HELD BY ONE PERSON.

CHART NO. 1

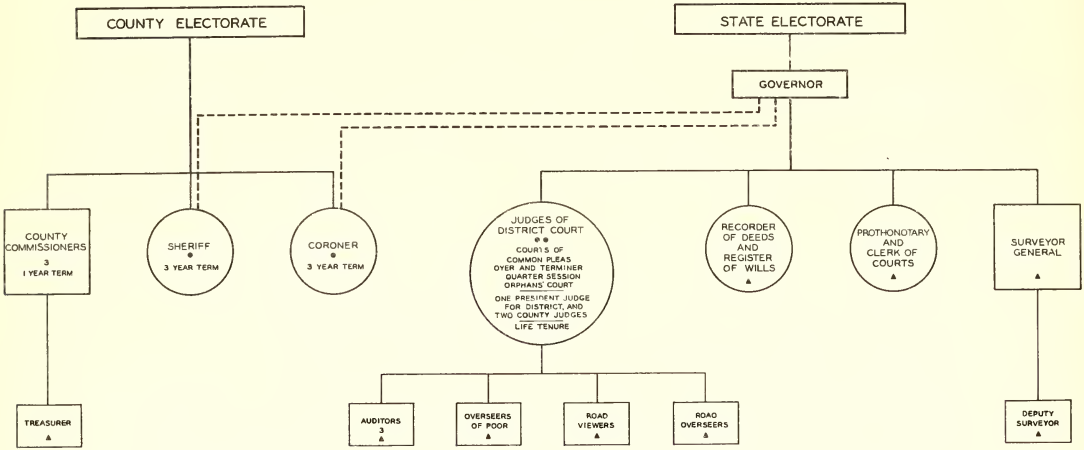
CHART OF

GOVERNMENT OF LUZERNE COUNTY

PENNSYLVANIA

1791

CHART BASED ON CONSTITUTION OF 1790



LEGEND

◯ ESTABLISHED BY CONSTITUTION.

▭ ESTABLISHED BY STATUTE.

▲ TENURE OR NUMBER OF OFFICERS NOT DETERMINED BY STATUTE.

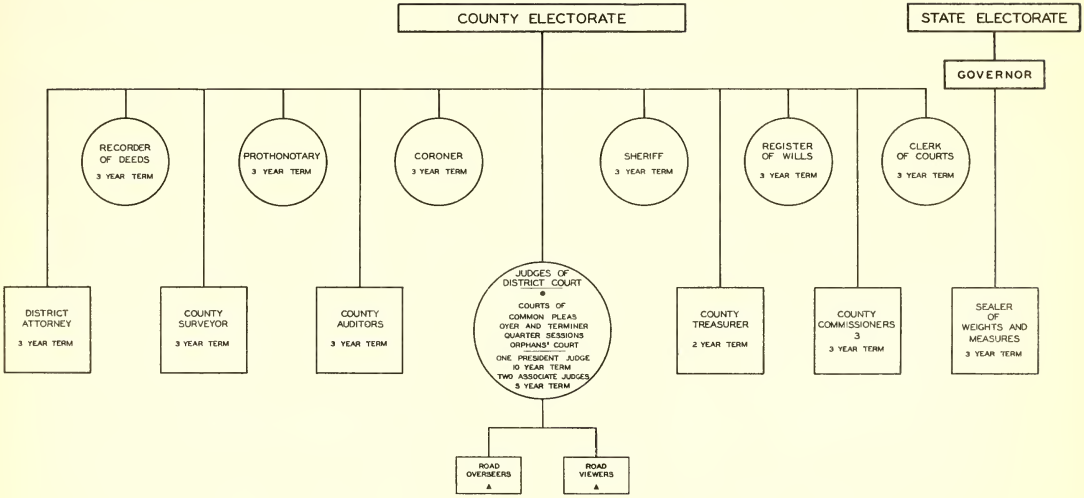
● DOUBLE THE NUMBER OF APPOINTEES FOR EACH OFFICE ELECTED BY FREEMEN, ONE PERSON FOR EACH OFFICE RESPECTIVELY APPOINTED BY THE GOVERNOR.

●● LUZERNE COUNTY WAS A PART OF THE 3RD. JUDICIAL DISTRICT.

CHART NO. 2

CHART OF
GOVERNMENT OF LUZERNE COUNTY
PENNSYLVANIA
1854

CHART BASED ON CONSTITUTION OF 1838



LEGEND

◯ ESTABLISHED BY CONSTITUTION.

▭ ESTABLISHED BY STATUTE.

▲ TENURE OR NUMBER OF OFFICERS NOT DETERMINED BY STATUTE.

* AT THIS TIME LUZERNE COUNTY WAS A PART OF THE 11TH. JUDICIAL DISTRICT.

CHART NO. 3

CHART OF GOVERNMENT OF LUZERNE COUNTY

COUNTY OF THE THIRD CLASS

PENNSYLVANIA

1937

CHART BASED ON CONSTITUTION OF 1874

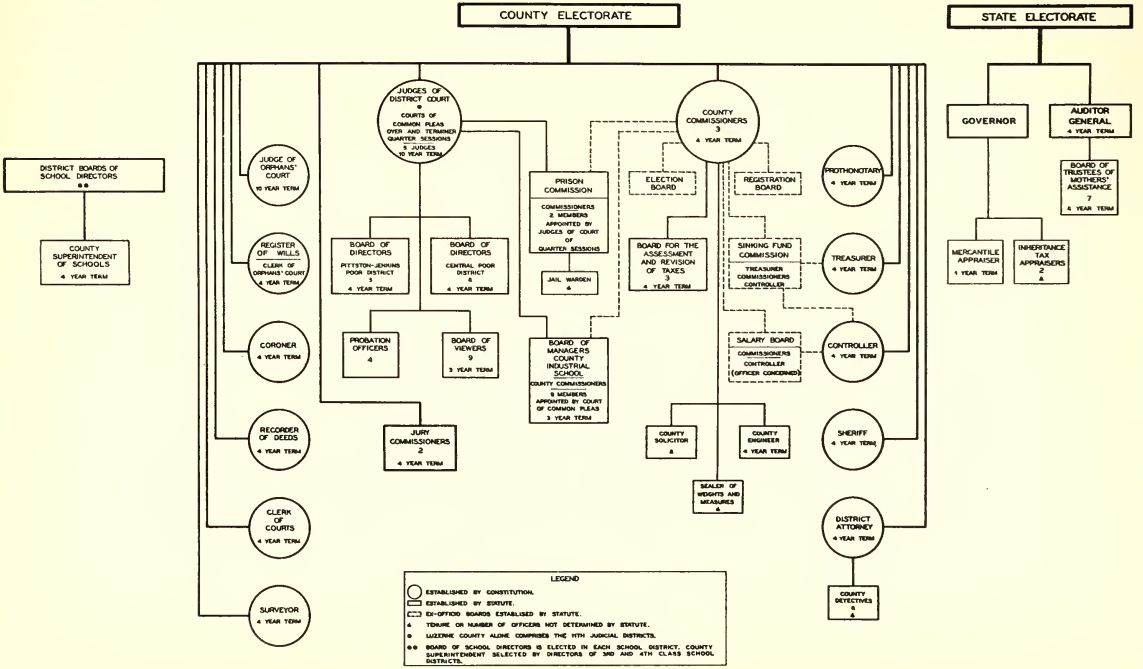


CHART 4

(First entry, p. 49)

HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The first Luzerne County courthouse was built on Public Square, Wilkes-Barre, in 1791. It was of hewn logs, two stories high and 60 x 30 feet in size (1).

In 1801 this structure gave way to a new courthouse on the same Square. The new building, finished in 1804, was in the form of a Greek cross and had a low tower and belfry. This building was used for more than fifty years. During the years from 1809 to 1812 a small fire-proof annex was erected near the courthouse for the housing of the public records (1).

In 1835 the General Assembly authorized the erection of a third courthouse on the same site. The cornerstone was laid August 12, 1856. During its existence this building underwent many changes in the matter of additions (2).

The present courthouse, the fourth, is located on River Common overlooking the Susquehanna River at River and North Streets. The cornerstone was laid April 5, 1906, the building completed and all records transferred in June 1909. The building is cruciform, the length of each axis being 200 feet. The rotunda at the intersection of the axes is 53 x 53 feet. It is three stories high with a basement. The foundation is concrete, the exterior walls Ohio sandstone, the roof and dome reinforced concrete, the roof coverings terra cotta.

The building is of fire-proof construction throughout, and in every instance all shelving, cabinets, file boxes, and filing cases are of steel and placed in steel frames. The records for the greater part are in excellent condition. Bound volumes lie flat on roller shelves, unbound records are arranged in filing cases. All offices where records are found are in excellent condition, and the storage rooms in the basement are adequately lighted and ventilated and reasonably free from dust. All floors throughout the building are either of tile or cement. With but few exceptions unbound records have been carefully sorted and arranged.

In the offices there is plenty of working space for users of the records, but in the basement storerooms there is no working space available. The basement storerooms of the commissioners, treasurer, and controller are in a confused condition, with sets badly sorted, and records of each office filed in all three.

The basement houses the probation office in room 3, and the personal

1- History of Luzerne, Lackawanna, and Wyoming Counties, Pennsylvania, New York, 1880, p. 57, 58. 2- Ibid., and William H. Egle, History of the Commonwealth of Pennsylvania, Philadelphia, 1883, p. 881.

property tax office in room 4. Room 8 and room 12 are used as permanent registration offices, the latter also being utilized upon occasion as sheriff's sales room. Also on this floor are the department of roads and bridges, and engineer's office which together occupy three rooms; the court stenographers' office, and the jury sleeping quarters. There are record storage rooms of the commissioners, who have three vaults; of the prothonotary, clerk of courts, district attorney, treasurer, controller, and engineer, each of whom utilizes one vault. The janitor's storeroom contains a miscellaneous collection of early records of many of the county offices.

The first floor houses the county commissioners' offices consisting of a main office, a transcribing room, a private office, and the office of the secretary to the commissioners, all occupying one entire section, constituting one-fourth of the office space on this floor. The clerk of courts of quarter sessions and oyer and terminer has one large room as main office, with an adjoining private office. The sheriff and the district attorney occupy the section opposite that of the county commissioners, each officer having a main office with a waiting room for the public, and a private office. The district attorney also has a small library and conference room and an office for his first assistant. The board for the assessment and revision of taxes, the treasurer and the controller each occupies a large main room with an adjoining private office. The mercantile appraiser is located in a small room between the offices of the sheriff and the treasurer.

On the second floor the prothonotary occupies the entire section directly above that of the commissioners. It consists of the large main office, a transcribing room and a private office. The recorder of deeds also occupies an entire section opposite that of the prothonotary, with rooms arranged in the same manner. The register of wills and clerk of orphans' court has main office, a transcribing room, a vault, and a private office which adjoins the State inheritance tax office. This latter, in turn, is next to the law library and its stack room. Also on this floor are the marriage license bureau and the orphans' court, adjoining the judge's chambers, his secretary's office, and his library.

The third floor is occupied by the four main court rooms and the juvenile court, each with adjoining judges' chambers and waiting rooms. The grand jury room is on this floor. The office of the secretary to the judges, which is used as the press room, and the witness clerk's office are the only rooms on the third floor which house records.

The records of the county commissioners are located in their office and office safe, in the janitor's basement storeroom, in the engineer's office, and in the commissioners', prothonotary's, and controller's basement vaults. The records of the recorder of deeds are housed, for the most part, in his own office. A few of the older records are located in the janitor's basement storeroom and in the county prison basement vault. The prothonotary keeps the majority of his records in his office, others being stored in the prothonotary's and clerk of courts' basement vaults and in the janitor's basement storeroom. The clerk of courts of quarter sessions and oyer and terminer has most of his records in his office and his basement vault. A few are kept in the office of the secretary to the judges and in the janitor's basement

storeroom. 1281110

The records of the register of wills and clerk of orphans' court are kept in the office, the office vault, the register's private office, and the commissioners' basement vault. The State inheritance tax office keeps all its records in its office. The sheriff's records are in his office, in the janitor's basement storeroom, and in the basement vaults of the clerk of courts and the treasurer. The coroner's records are in the commissioners' office and basement vault and in the controller's basement vault. The records of the district attorney are kept in his office and in the janitor's basement storeroom. The records of the probation office are located in the office and in the commissioners' basement vault. The jury commissioners' records are in the office of the secretary to the judges. The records of the board for the assessment and revision of taxes are in the commissioners', prothonotary's, engineer's, and controller's basement vaults, in the personal tax office and the assessor's office, and in the janitor's basement storeroom.

The treasurer's records are in his office and basement vault, in the commissioners' and controller's basement vaults, and in the janitor's basement storeroom. The controller keeps his records in his office, his office safe, and his basement vault; in the prothonotary's and the witness clerk's offices; in the commissioners', prothonotary's, clerk of courts', and controller's basement vaults, and in the janitor's basement storeroom. The records of the sinking fund are in the controller's office and office safe, and in the controller's basement vault. The early records of the salary board are in the commissioners' basement vault, the current records in the controller's office safe. The registration commission keeps all records in its office. The county board of elections keeps its records in the office of the secretary to the judges, the prothonotary's and clerk of courts' office, and in the commissioners' and clerk of courts' basement vaults. The engineer's records are in his office, his vault, and the commissioners' and controller's basement vaults.

The county jail is on River Street, one block from the courthouse. Here are stored the records of the warden and the prison board, and some early records of the recorder of deeds, which have been transcribed. The rooms used for the storage of prison records are the warden's office, the record storeroom, the basement vault, and the fingerprint department. One file box of prison records, which antedate the founding of the office of jail warden, is located in the clerk of courts' basement vault.

The Luzerne County Industrial School for Boys is located at Kis-Lyn, Pennsylvania, and the records are kept in the superintendent's office.

The records of the county superintendent of schools are in his office in the Wilkes-Barre Deposit and Savings Bank Building, Public Square, Wilkes-Barre.

The directors of the poor for the Central Poor District are located at Union and Franklin Streets in Wilkes-Barre, and their records are kept in the record room on the first floor, and in the Mental Hospital and Almshouse at Retreat, Pennsylvania.

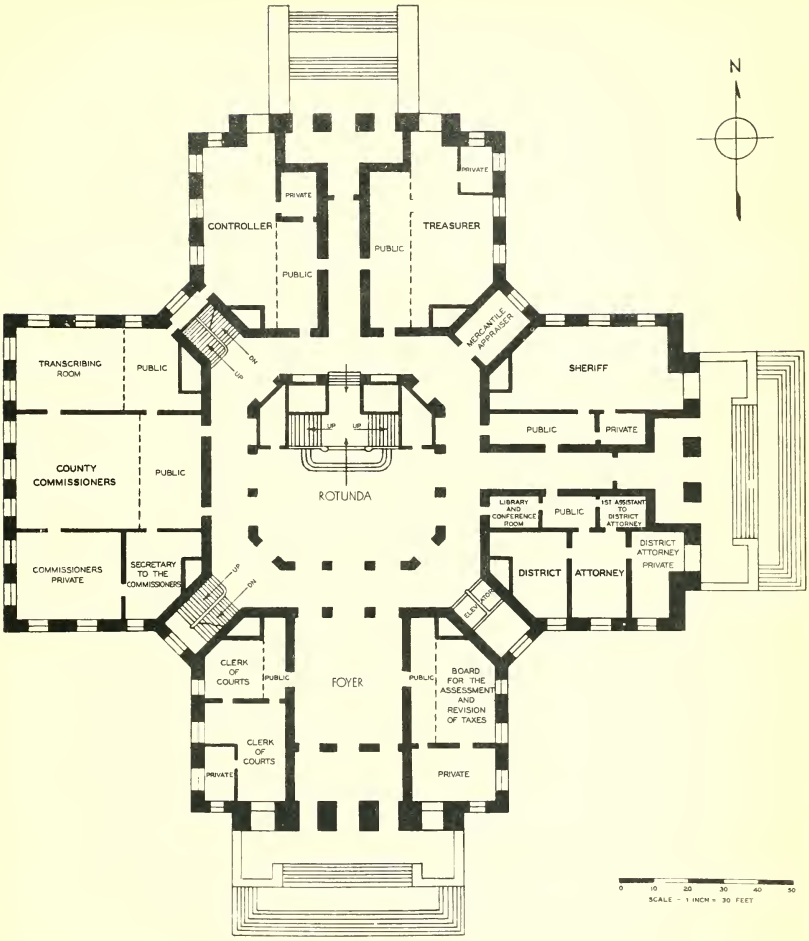
Housing, Care, and Accessibility of the Records (First entry, p. 49)

The records of the Mothers' Assistance Fund, the Pension Fund for the Blind, and the Old Age Pension Fund are located in the office of the Board of Trustees at 91 North Franklin Street, Wilkes-Barre.

The Luzerne County Fresh Air Camp is at Drums, Pennsylvania. Their records are kept in Room 205 of the Kirby Memorial Health Center, 71 North Franklin Street, Wilkes-Barre.

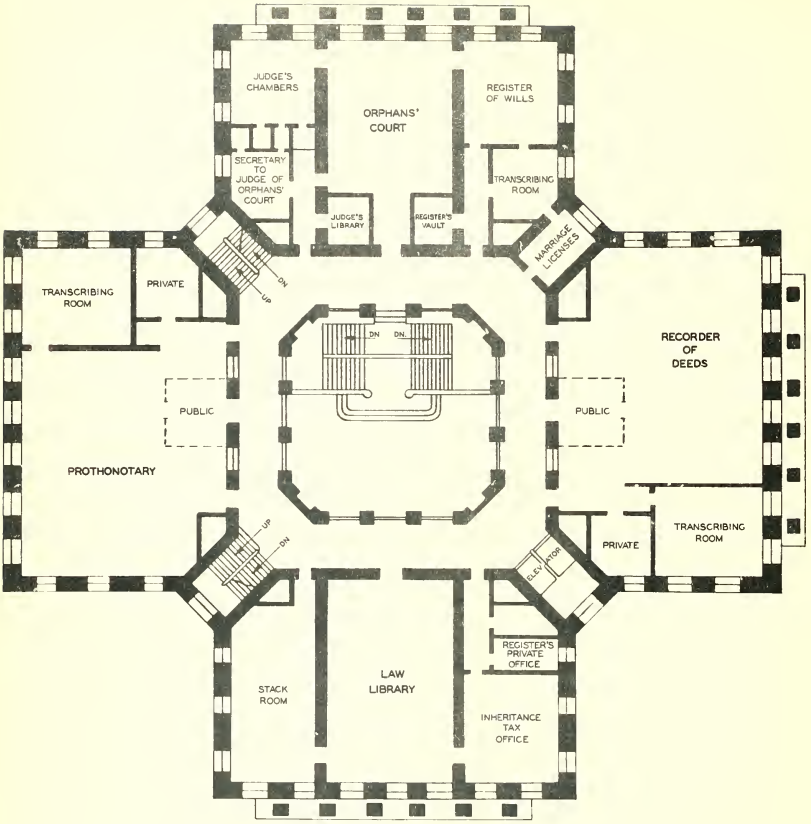
The records of the United Charities of Hazleton are kept in the superintendent's office in the Administrative Building at 65 Madison Avenue, West Hazleton.

The Children's Home of Wilkes-Barre is at 335 South Franklin Street. The records are in the superintendent's office.



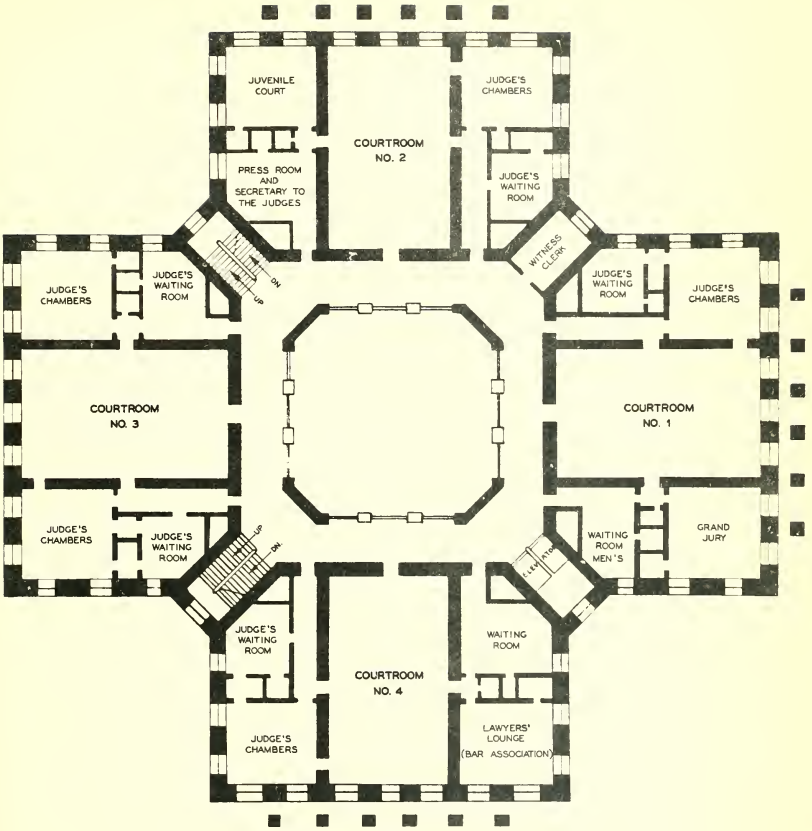
FIRST FLOOR PLAN

LUZERNE COUNTY COURTHOUSE



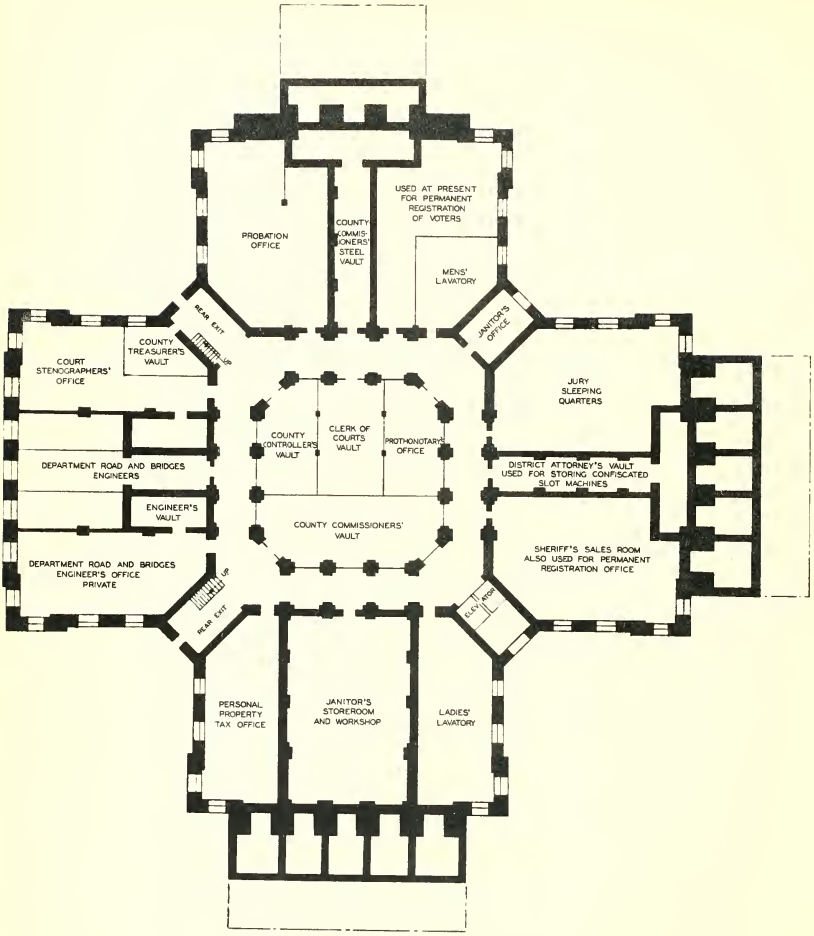
SECOND FLOOR PLAN

LUZERNE COUNTY COURTHOUSE



THIRD FLOOR PLAN

LUZERNE COUNTY COURTHOUSE



BASEMENT FLOOR PLAN

LUZERNE COUNTY COURTHOUSE

(First entry, p. 49)

ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

alph. alphabetical(ly)
am. amended
arr. arranged
art. article
ass'n association
asst. assistant
aver. average
bd. board
bdl. bundle(s)
boro. borough(s)
bsmt. basement
chron. chronological(ly)
clk. clerk
Co. Company
co. county
Comm. Commonwealth
comms. commissioners
conf. conference
Const. Constitution
cont. controller
ct. court
D.A. District Attorney
Dall Dallas, Laws of the Commonwealth, 1700-1790
Dauph. Dauphin County Reports
Dept. Department
dist. district(s)
dn. down
ed. editor
eng. engineer
et seq. and following
f.b. file box(es)
f.d. file drawer(s)
fm. form(s)
hdw. handwritten
Ibid. the same reference
mimeo. mimeographed
no. number(s)
num. numerical(ly)
off. office
op. cit. work already cited
p., pp. page, pages
Pa. Pennsylvania State Reports
par. paragraph
PL Pamphlet Laws
prob. probation
proth. prothonotary
ptd. printed
Pub. Publication
rec. of deeds recorder of deeds

reen.	reenacted
rep.	reported
rm.	room
s	section(s)
sch.	school
secty.	secretary
Sess.	Session
Sm L	Smith's Laws
Sp.	Special
St. at L.	Pennsylvania Statutes at Large
Stat. L.	United States Statutes at Large
strm.	storeroom
sup.	supplied
Super.	Pennsylvania Superior Court Reports
supp.	supplemented
supt.	superintendent
T., Tps.	Township(s)
treas.	treasurer
trsb.	transcribed
U.S.	United States
vlt.	vault
vol.	volume(s)
vs.	versus
yr.	year
--	current, to date

Explanatory Notes

Titles of records are shown in inventory proper exactly as on volumes and file boxes. The current or most recent title is used as the title of the entry.

Explanatory additions to inadequate titles and corrections of erroneous titles are enclosed in parentheses and have initial capitals.

In the absence of titles, supplied titles are capitalized and enclosed in parentheses.

Letters or numbers in parentheses indicate the exact labeling on volumes or file boxes. If the volumes or file boxes are unlabeled, no labeling is indicated.

Title line cross references are used to complete series for records kept separately for a period of time, and in other records for different periods of time, as in entry 68, "1787-1838 in Deed Book, entry 47". They are also used in all artificial entries - records which must be shown separately under their proper office or section heading even though they are kept in files or records appearing elsewhere in the Inventory, as in entry 34, "In (Road Taxes on Unseated Lands), entry 341". In both instances, the description of the master entry shows the title and entry number of the record from which the cross reference is made, as in entry 341, "Also contains: (Record of County Orders), 1843-46, entry 34". Dates shown in the description of the artificial entry are only for the part or parts of the record contained therein, and are shown only when they vary from those of the master entry.

Separate third paragraph cross references from entry to entry, and "see also" references under subject headings, are used to show prior, subsequent,

or related records which are not part of the same series.

Unless the index is self-contained, an entry for the index immediately follows its record entry. Cross references are given for exceptions to the rule.

Records may be assumed to be in good condition unless otherwise indicated.

Since measurements are always given in inches, the symbol (") has been omitted. The dimensions for volumes and bundles are always given in the sequence of height, width, thickness; for file boxes and other containers, height, width, depth.

In the footnote references to the Constitutions of Pennsylvania the dates are included for the Constitutions of 1776, 1790, and 1838; if no date is given it is assumed that the reference is to the Constitution of 1874.

Contents of file boxes, file drawers, bundles, and cartons are given in approximate numbers.

All records found by the Survey are listed. The reason for the absence of records is given wherever known.

(First entry, p. 49)

I. BOARD OF COUNTY COMMISSIONERS

The board of county commissioners was introduced in Pennsylvania, the originator of the commission system, in 1724 to perform the assessment and taxation function which had hitherto belonged to the court of sessions (1). Since that time the functions and duties of the board have been expanded to the extent that today the board constitutes the nucleus of county government. The board was organized in Luzerne County in 1786 when the county was erected.

General Provisions

The board is composed of three members elected by the county-at-large. They were given a constitutional status by the Constitution of 1774. They were elected annually until 1799 and triennially thereafter until 1909 when an amendment to the constitution increased the tenure to four years (2). Each elector may vote for only two of the three county commissioners, which procedure is designed to give minority representation (3).

County commissioners are required to take an oath of office, which must be filed in the office of the prothonotary (4); to furnish bond at an amount determined by the court of common pleas at not less than two thousand dollars each, which must be placed in the custody of the controller (5); to file their commissions immediately after receiving them from the Governor with the recorder of deeds (6).

Vacancies are filled by the court of common pleas (7). Until 1909 the county commissioners were paid on a per diem basis (8). Since then their salary has been determined by statute (9).

In 1834 the county commissioners were constituted a corporate body which can sue and be sued (10). The custody of the county seal is in the board of county commissioners, which must authenticate official acts with it (11). The

1- E.P.L. Gould, Local Government in Pennsylvania, Baltimore, 1883, I, 28. George E. Howard, An Introduction to the Local Constitutional History of the United States, Baltimore, 1889, I, 387. 2- 1799, 3 Sm L 393; 1834 PL 537 s 15; Const., Art. XIV s 2 am. 1909; 1929 PL 1278 s 101. 3- Const., Art XIV s 7 am. 1909; 1929 PL 1278 s 101. 4- 1799, 4 Dall 508 s 2; 1834 PL 537 s 15 (the act of 1834 required oaths to be filed with the clerk of court of quarter sessions); Const., Art. VII s 1; 1929 PL 1278 s 53. 5- 1878 PL 118 s 1 (the act of 1878 required original bonds to be filed with the clerk of court of quarter sessions); 1915 PL 198 s 2; 1929 PL 1278 s 54; 1933 PL 946 s 1 (the acts of 1915, 1929, and 1933 required official bonds to be filed with the county controller). 6- 1929 PL 1278 s 55. 7- 1799, 4 Dall 508 s 1; 1834 PL 537 s 2; Const., Art. XIV s 7 am. 1909; 1929 PL 1278 s 101. 8- 1799, 4 Dall 508 s 2; 1821, 2 Sm L 344 s 6; 1834 PL 537 s 26. 9- 1909 PL 500 s 1; 1917 PL 570 s 1; 1927 PL 403 s 1. 10- 1834 PL 537 s 3, 4; 1929 PL 1278 s 22. 11- 1799, 4 Dall 508 s 24; 1834 PL 537 s 8; 1929 PL 1278 s 24.

board may make contracts necessary for carrying into execution laws relating to the county. The commissioners may not be a party either directly or indirectly in such contracts (12). They may issue bonds for specific purposes enumerated by law, the resolutions for which are incorporated in their minute books. Two commissioners constitute a quorum for the transaction of business (13).

The office of clerk of commissioners was created in 1799 (14). The clerk is appointed by the board for a four year term (15). He must take an oath of office, which must be filed with the clerk of the court of quarter sessions (16), and give a bond to the county in such sum as may be determined by the county commissioners (17). The clerk is authorized to keep an account of all orders issued by the board for the payment of money; records of the commissioners' proceedings; books giving the names of local tax collectors, the amount of duplicates issued to them for collection, and the names of persons exonerated from paying taxes; and must record or file whatever proceedings the commissioners may direct, and attest all orders and warrants (18).

Financial Duties

The powers and duties of the commissioners relating to the assessment of property have been elaborately detailed by statute for over two hundred years, and are considered in detail in the essay on the board for the assessment and revision of taxes. County commissioners also have supervision over the collection of taxes. Locally elected tax collectors must make monthly returns of collected and non-collected taxes to the county commissioners' office (18a). Upon receipt from the tax collectors of taxes outstanding on seated lands, the county commissioners must enter the return in a docket styled the "Tax Return Docket" (19). The returns for each ward in each city, borough, and township must be alphabetically indexed, with the name of the owner, locality, the year the return was filed, and the page of the docket where a lien is recorded in another book styled the "Tax Lien Index" (20). Since 1785 the surveyor has been required to make a return of unseated lands to the county commissioners who must keep books for this purpose (21).

The commissioners must certify a return of unpaid taxes on all lands to the county treasurer, who is authorized to collect the taxes or otherwise to sell the lands (22) (see Treasurer and Sheriff). The treasurer must certify to the commissioners a list of such taxes collected on seated lands for entry and satisfaction upon the "Tax Return Docket" (23). In case the treasurer sells land for delinquent taxes the commissioners may in certain cases purchase it. These may later be sold by them at a public sale in which case the commissioners must execute deeds to the purchasers (24).

12- 1834 PL 537 s 43; 1929 PL 1278 s 64. 13- 1834 PL 537 s 19; 1929 PL 1278 s 105. 14- 1799, 4 Dall 508 s 11. 15- 1899 PL 56 s 2; 1913 PL 161 s 1. 16- 1899 PL 56 s 3. 17- Ibid., s 5. 18- 1799, 4 Dall 508 s 11, 12; 1834 PL 507 s 20; 1899 PL 56 s 3. 18a- 1891 PL 211 s 1; 1897 PL 242 s 1. 19- 1931 PL 280 s 1. 20- Ibid., s 2. 21- 1804, 4 Sm L 201 s 1. 22- 1809, 5 Sm L 73 1; 1931 PL 280 s 3. 23- 1931 PL 280 s 2. 24- 1824 PL 167 s 1, 2.

Since 1889 the commissioners have been charged with procuring from the proper municipal officers a return showing the amount of taxes levied and collected for the maintenance of these smaller units. The commissioners must make returns to the State Secretary of Internal Affairs showing the total amount of taxes collected for the support of the poor and for the construction and repair of roads and bridges, together with the amount collected in real estate of railroads and other corporations (25).

The controller of Luzerne County must prepare an annual budget which must be transmitted to the county commissioners not later than February 1 of each year. This budget must be published at least twenty days prior to the date set for its adoption. After making such changes as appear advisable, the county commissioners may adopt the budget. At this time the commissioners must fix the tax rate to raise sufficient money to meet the budgeted expenditures. Within fifteen days of adoption a copy of the budget must be filed in the office of the State Department of Internal Affairs. Uniform budget forms for this purpose are prescribed by this department (26).

The Construction of Public Works

At present the commissioners are by no means wholly responsible for county expenditures in the construction of public works. They divide this responsibility with a number of county as well as state officials. This is illustrated by the diversified responsibility in initiating, planning, and finally approving the public works of the county, which they share with the grand jury, the judges of the court of common pleas and quarter sessions, and the administrative departments of the state government. Thus the traditional American practice of checks and balance is strikingly illustrated in Pennsylvania county government.

The commissioners, with the approval of the grand jury and the court of quarter sessions, are authorized to build jails (27), bridges (28), roads and highways (29), sewers and sewage disposal plants (30).

The Administration of Criminal Justice

The duties of the commissioners in respect to the administration of criminal justice include the authority to construct county jails and to provide for the prisoners (31). The commissioners serve as ex-officio members of the prison commission, which is responsible for the general management of the prison (32). The commissioners, with the approval of the State Department of Welfare, may also erect separate institutions for delinquent women (33). In Luzerne County such an institution was completed in 1937. There has likewise been established the Luzerne County Industrial School for Boys, which

25- 1899 PL 157 s 1, 2. 26- Budget Programs and Requirements for Local Governments in Pennsylvania, Pennsylvania Economic Council, Publication No. 27, Philadelphia, 1936. 27- 1834 PL 509 s 48. 28- 1917 PL 276 s 1; 1929 PL 1278 s 771. 29- 1895 PL 336 s 1 am. 1905 PL 290 s 1; 1929 PL 1278 s 891. See also 1929 s 874. 30- 1915 PL 852 s 1; 1929 PL 1278 s 1001. 31- 1790, 2 Sm L 531 s 30. 32- 1868 PL 917 s 2 art. 1. 33- 1927 PL 24 s 1; 1929 PL 1278 s 635

receives the male juvenile delinquent wards of Luzerne County. The commissioners serve with nine others on the board of managers which has jurisdiction over the affairs of this institution (34).

Health and General Welfare

The county commissioners may provide for the general health, welfare, and convenience of the citizens of the county. For example, they have been authorized to build tubercular (35) and contagious disease (36) hospitals. In Luzerne County these institutions have not yet been built (see Governmental Organization and Records System).

The commissioners may also designate and equip parks, playgrounds, gymnasiums, baths, pools, and recreation centers, and employ recreation directors (37). They may construct libraries (38), and assist political subdivisions to acquire airports and landing fields (39). They may appropriate money to assist naval reserve and amateur radio broadcasting stations in case of emergency and disaster (40). Finally, the commissioners may appoint a zoning commission which is empowered to regulate the location, height, and size of structure, the use of buildings, and soil and water conservation in all portions of the county outside cities, boroughs, and first class townships (41). As yet a zoning commission has not been appointed in Luzerne County.

Voting Processes

Today the commissioners of Luzerne County are required to act as a registration commission for the permanent registration of voters (see Registration Commission). The commissioners in their ex-officio capacity as members of the recently created county board of elections also have important duties (see County Board of Elections).

Miscellaneous Duties and Records

The county commissioners serve as purchasing agents for materials needed in all county departments (42). They employ janitors, firemen, engineers, mechanics, laborers, and caretakers for all public buildings and grounds (43). The commissioners are also directed to subscribe to three weekly newspapers and to procure their binding in separate volumes, and to keep these in their office as reference books for the use of the public (44).

For many years local assessors were required to prepare a list of persons living within their districts, who were liable to enrollment for military service. A certified copy of this list was required to be filed in the office of the commissioners, whose duty it was to record the roll in a book (45).

34- 1909 PL 302 s 5; 1911 PL 262 s 3. 35- 1925 PL 65 s 1; 1929 PL 1278 s 622. 36- 1917 PL 297 s 2, sup. 1929 PL 1278 s 617, 618. 37- 1919 PL 784 No. 322 s 142 am. 1927 PL 56 s 1, 2; 1929 PL 1278 s 650, 651. 38- 1925 PL 340 s 2; 1929 PL 1278 s 606. 39- 1929 PL 1278 s 492 added 1931 PL 401 s 18. 40- 1929 PL 1278 s 450 added 1937 PL 1968 s 1. 41- 1929 PL 1278 s 501.1 et seq. added 1927 PL 2129 s 2. 42- 1929 PL 1278 s 57 am. 1933 PL 992 s 1. 43- 1895 PL 236 No. 136 s 2; 1929 PL 1278 s 558. 44- 1893 PL 105 s 1. 45- 1887 PL 23 s 111, sup. 1899 PL 266 s 3 rep. 1921 PL 54 No. 27 s 1.

Appointive Powers

The commissioners have important appointive powers. Besides a clerk of the commissioners they designate the county solicitor (46) (see Solicitor), sealer of weights and measures (47) (see Sealers of Weights and Measures), and the county engineer (48) (see Engineer). In addition, they must appoint a board for the assessment and revision of taxes (see The Board for the Assessment and Revision of Taxes).

Registration of Veterans' Graves

The county commissioners, since 1935, must compile a Veterans' Grave Registration Record, which is open to public inspection (49). The same act also required the county commissioners to forward the information to the Department of Military Affairs, on forms prescribed by this department.

Any individual or association owning a cemetery or burial plot in which the bodies of service men are interred, must file a certificate of the facts required for this record with the commissioners. The county commissioners may appoint a veteran's grave registrar, whose duty is to see that these provisions are put into effect. A veteran's grave registrar has not been appointed in Luzerne County, the work being handled directly by the commissioners.

Ex-Officio Boards

The commissioners are ex-officio members of certain boards which have been established by law to integrate the functions of two or more offices. Thus, the commissioners, with other county officials, serve on the salary board (50), the sinking fund commission (51), and serve with others as prison commissioners (52). The commissioners alone act as the county registration board (53) and the county election board (54).

The minute books and other fiscal records and documents are open to the inspection of the taxpayers (55). The commissioners' books and accounts may be inspected at any time by the county controller (56).

In addition to the records which are specifically required, the county commissioners have kept other records as a matter of practice and expediency.

46- 1895 PL 101 s 1; 1903 PL 11; 1929 PL 1278 s 151. 47- 1911 PL 275 s 11; 1913 PL 960 s 1; 1917 PL 1102 s 1. 48- 1919 PL 163; 1927 PL 820 No. 415 s 1; 1929 PL 1278 s 166. 49- 1929 PL 1278 s 439 added 1931 PL 401 s 16 am. 1935 PL 683 s 8 and 1937 PL 329. 50- 1876 PL 13 s 7 rep. 1879 PL 72 s 1 but the repealing section was itself rep. 1883 PL 182 s 1. 51- 1911 PL 895 s 1; 1929 PL 1278 s 395. 52- 1868 PL 917 s 2 art. 2. 53- 1937 PL 849 s 1; 1937 PL 487 s 1. 54- 1937 PL 1333 s 301 (b). 55- 1929 PL 1278 s 111; 1935 PL 730 s 1. 56- 1876 PL 13 s 10.

Board of County Commissioners - Minutes; Collection (1-6)

Minutes
(See also entries 345, 392)

1. COMMISSIONERS' MINUTES, 1788--. 21 vols. Title varies: Commissioners' Day Book, 1788-1878, 7 vols.; County Commissioners' Record Book 1879-1906, 2 vols.
Minutes of the meetings of the commissioners, showing date and place of meeting, business transacted, names of commissioners present, and signature of secretary. Arr. chron. by date of meeting. No index. Hdw., 1788-1906, 9 vols.; typed, 1906--, 12 vols. Aver. 400 pp. 11 x 15 x 2. 1788-1906, 9 vols., comms. bsmt. vlt.; 1906--, 12 vols., off.

Collection
(See also entries 351-353, 373-377)

2. TREASURER'S RECEIPTS, 1927--. 39 vols. (dated).
Commissioners' copies of receipts issued by treasurer for moneys received, showing no., date, name and address of payer, type and amount of tax, costs or fees, total received, signature of treasurer and countersigned by controller. Arr. num. by receipt no. No index. Hdw. on ptd. fm. Aver. 2,500 pp. 12 x 10 x 10. Comms. bsmt. vlt.

3. COLLECTOR'S LEDGER, 1873--. 12 vols.
Record of taxes returned by collectors from municipalities, showing date, names of municipality and collector, amount of bond, total assessed valuation for state and county taxes, total amount collected, fund allotment. Arr. alph. by municipalities, entries made chron. No index. Hdw. Aver. 400 pp. 16 x 12 x 2. 1873-77, 1907, 2 vols., cont. bsmt. vlt.; 1878-1934, 7 vols., comms. bsmt. vlt.; 1935--, 3 vols., off.

4. TAX RECEIPTS, 1927--. 28 vols.
Record of receipt of taxes on seated lands, showing name of taxpayer, amounts received, account no., signatures of treasurer and controller. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. Aver. 900 pp. 9 x 12 x 4. Comms. bsmt. vlt.

5. RETURN OF RECEIVER OF TAXES WILKES-BARRE CITY, 1879-81, 1884-94. 2,000 papers in 5 f.b. Discontinued.
Returns of real estate taxes assessed by the city of Wilkes-Barre, showing year of assessment, date, name of owner, location of property, amount of tax and signature of receiver. Arr. chron. by year of assessment; num. by ward no. No index. Hdw. on ptd. fm. 10 x 5 x 13. Comms. bsmt. vlt.

6. RECORD OF COLLECTOR'S SETTLEMENT, 1908-14. 1 vol.
Record of settlements made by tax collectors, giving name of collector, amount of bond, name of municipality he serves, total assessed valuation of municipality, amount of exonerations or reductions previously granted, total collected, and date of settlement. Arr. alph. by municipalities, entries made chron. No index. Hdw. 196 pp. 10 x 8 x 1. Comms. bsmt. vlt.

7. UNSEATED LANDS, ROAD TAXES, 1818-30. 1 vol.
Commissioners' accounts of road taxes received on unseated lands sold and redeemed, showing number of acres, name of owner, location of property, date and amount of delinquency, date and amounts of payments, and by whom received. Arr. alph. by name of municipality, entries made chron. No index. Hdw. 100 pp. 12½ x 8 x 1. Comms. bsmt. vlt.

8. (TREASURER'S ACCOUNT BOOK), 1809. 1 vol.
Report from treasurer of taxes collected, showing name and address of taxpayer, date and amount received, and signature of treasurer. Arr. chron. by date of entry. No index. Hdw. 100 pp. 13 x 9 x 1. Comms. bsmt. vlt.

Delinquent
(See also entries 89-99, 110-117, 223, 351)

9. LAND RETURNS, 1824, 1826-61, 1863-64, 1867, 1869-1914, 1916--.
6,375 records in 64 f.b., 290 vols.
Reports made by tax collectors on unpaid taxes, showing date of report, name of owner, location and description of property, assessed valuation, total tax, amount of delinquency, and affidavit of collector. 1824-1929, arr. chron. by date of report; 1930--, arr. alph. by name of municipality, entries made alph. by name of owner. No index. Hdw. on ptd. fm. F.B., 11 x 3 x 15; vols. aver. 100 pp. 14 x 17 x ⅝. Comms. bsmt. vlt.

10. DELINQUENT TAXES, COUNTY AND SINKING FUND, 1934. 1 vol.
Record of moneys credited to county and sinking funds on delinquent taxes collected, showing amount owed, date and no. of entry, name of payer, account number, amount of taxes and penalties, and unpaid balance. Arr. chron. No index. Typed. 700 pp. 16 x 14 x 5. Off. safe.

11. CERTIFIED LIST OF SEATED LANDS, 1862-1910. 10 vols. Discontinued.
Record of taxes due on seated lands, showing name and address of owner, description and location of property, assessed valuation, owners of adjoining property, date and amount of delinquency, amounts due county, road, bridge, sinking, school, building, and poor funds, amount of collectors' commissions, cost of entering lien, date and amount of payments. Arr. alph. by name of municipality, entries made alph. by name of owner. No index. Hdw. on ptd. fm. Aver. 200 pp. 13 x 8½ x 1½. Comms. bsmt. vlt.

12. CERTIFIED LIST OF UNSEATED LANDS, 1796-1912. 20 vols. Title varies: Transcript of Unseated Lands, 1796-1811, 5 vols.
Record of taxes due on unseated lands, showing name of municipality, number of acres, name of owner, assessed valuation, total amount of taxes due, amount due sinking, county, school, building, road, special, and poor funds, date and amount of payments. Arr. alph. by name of municipality; entries made alph. by name of taxpayer. No index. Hdw. on ptd. fm. Aver. 287 pp. 16 x 11 x 2. Comms. bsmt. vlt.

13. TRANSCRIPT OF UNSEATED LAND TAXES CERTIFIED BY TREASURER TO COMMISSIONERS, 1799-1877. 11 vols. Discontinued. Title varies: Transcript of Unseated Land Taxes, 1799-1870, 10 vols.
Report made by the treasurer to the commissioners on taxes due on unseated

lands, showing name and address of owner, location of property, number of acres, date and amount of delinquency, date and amount of payments. Arr. chron. Indexed alph. by name of municipality. Hdw. Aver. 200 pp. 13 x 8½ x 2. Comms. bsmt. vlt.

14. TRANSCRIPT OF UNSEATED LANDS, COUNTY TAXES, 1809-16. 1 vol. Discontinued.

Record of county taxes due on unseated lands, showing number of acres, name of owner, location of property, assessed valuation, amount of tax due. Arr. chron. by date of entry. Indexed alph. by name of warrantee. Hdw. 150 pp. 8½ x 11 x 1½. Comms. bsmt. vlt.

15. TRANSCRIPT OF UNSEATED LANDS, ROAD TAXES, 1809-35. 2 vols. Discontinued.

Record of road taxes due on unseated lands, showing date of entry, name of taxpayer, amount of tax due, date paid, name of payer, and amount paid. Arr. alph. by name of payer. No index. Hdw. Aver. 250 pp. 13 x 8½ x 2. Comms. bsmt. vlt.

16. TRANSCRIPT OF UNSEATED LANDS, SCHOOL TAXES, 1834-43. 1 vol.

Record of school taxes on unseated lands due county, including minutes of the School Delegates' Meetings, 1834-36. Shows names of municipality and taxpayer, location of property, year and amount of tax, and total amount due county by municipality. Arr. by name of municipality, and alph. thereunder by name of taxpayer. No index. Hdw. 250 pp. 15 x 6 x 2. Comms. bsmt. vlt.

17. TAX LIEN DOCKET, 1881--. 38 vols. (1-32, vols. 27-32, 2 vols. for each no.) Last entry 1935.

Yearly summary of liens against property for unpaid taxes, showing tax years, description and location of property, dates of issue and return of tax warrants, name of owner, date and kind of taxes due, date of payment to county treasurer, and fund to which allotted. Arr. alph. by name of municipality, num. by wards, entries made thereunder by name of taxpayer. Hdw. on ptd. fm. Aver. 500 pp. 18 x 12 x 2. Off.

18. INDEX TO TAX LIEN DOCKET, 1881--. 38 vols. (1-32, vols. 27-32, 2 vols. for each no.), and 8 trsb. vols. (1-3, 5, 13, 16, 17, 20). Last entry 1935.

Index to Tax Lien Docket, showing name of owner, location of property, and p. 1881-1929, vols. 1-26, arr. alph. by name of owner; 1930--, vols. 27-32, arr. alph. by names of municipality, num. by wards, entries made thereunder by name of taxpayer. Hdw. on ptd. fm., 1881-1929, vols. 1-26; typed on ptd. fm., 1930-35, vols. 27-32. Aver. 100 pp. 13 x 8 x 1. 1881-1935, vols. 1-32, off.; 8 trsb. vols., comms. bsmt. vlt.

19. TREASURER'S SALES OF UNSEATED LANDS, 1822-56, 1880-82, 1884-88, 1890-94, 1896, 1906--. 8 vols. Last entry 1912. Title varies: Treasurer's Sale of Lands, 1822-56, 3 vols.

Report to commissioners of treasurer's sales of unseated lands for delinquent taxes, showing date and amount of sale, names of municipalities, former owners, number of acres or lots, location of property, dates, amounts and kind of unpaid taxes, names of buyer and clerk, and disposition of property by

commissioners. Arr. alph. by name of municipality. No index. Hdw. Aver. 200 pp. 12 x 15 x 2. Comms. bsmt. vlt.

20. TREASURER'S SALES OF SEATED LANDS, 1816-25, 1880-88, 1890-94, 1896-98, 1900--. 7 vols. Last entry 1912. Title varies. Treasurer's Sales to Commissioners, 1816-25, 1 vol.
Record of treasurer's sales of seated lands to county commissioners for delinquent taxes, showing date of sale, names of municipalities and former owners, number of acres or lots, location of property, dates, amounts, and kind of unpaid taxes, names of buyer and clerk, and disposition of property by commissioners. Arr. alph. by names of municipalities. No index. Hdw. Aver. 375 pp. 13 x 8 x 2. Comms. bsmt. vlt.

21. COUNTY LANDS BOUGHT BY COMMISSIONERS, 1816-76, 1878-1906. 3 vols. Title varies: Unseated Lands Bought by Commissioners, 1878-1906, 1 vol.
Record of unseated lands bought by commissioners for non-payment of taxes, giving description of land, amount paid, name of warrantee, and amount of county and road taxes due. Arr. chron. by date of entry. No index. Hdw. Aver. 200 pp. 13 x 9 x 2. Comms. bsmt. vlt.

22. TREASURER'S DEEDS, 1906--. 750 deeds in 6 f.b. (dated). Last entry 1912.
Deeds of property bought by commissioners at treasurer's sales, showing date, location and description of property, consideration, names of treasurer and former owner, official seals and signatures. Arr. chron. by date of sale, alph. by first letter of surname of former owner. No index. Hdw. on ptd. fm. 10 x 5 x 13. Comms. bsmt. vlt.

23. COMMISSIONERS' DEEDS, 1909. 68 deeds in 1 f.b.
Deeds to properties bought at treasurer's sale, held two years and then sold at auction, showing date, location and description of property, consideration, names of grantor and grantee, signatures of witnesses and acknowledgment of grantor. Not arr. No index. Hdw. on ptd. fm. 10 x 5 x 13. Comms. bsmt. vlt.

24. ADVERTISEMENT FOR SALES OF UNSEATED LANDS BY COMMISSIONERS, 1796-1801. 1 vol.
Record of advertisement of lands to be sold at public vendue to discharge the county tax, showing name of warrantee, description of lands, and tax due. Arr. alph. by name of municipality. No index. Hdw. 50 pp. 15 x 8 x $\frac{1}{4}$. Comms. bsmt. vlt.

25. COMMISSIONERS' SALE OF SEATED LANDS, 1885, 1888-96, 1902-8. 3 vols.
Record of sale of seated land purchased by commissioners, showing date purchased, description and location of land, to whom sold, name of former owner, and date and amount of sale. Arr. alph. by names of municipalities, entries made chron. by date of sale. No index. Hdw. Aver. 300 pp. 14 x 9 x 2. Comms. bsmt. vlt.

26. COMMISSIONERS' SALE OF UNSEATED LANDS, 1823-44, 1848-85, 1888-1909. 5 vols.
Record of sale of unseated land purchased by commissioners, giving description

of land, name of warrantee, dates purchased and sold by commissioners, name of purchaser, and amount of sale. Arr. chron. by date of entry. No index. Hdw. Aver. 200 pp. 13 x 8 x 2. Comms. bsmt. vlt.

27. COMMISSIONERS' MEMORANDUM BOOK, 1818-39. 1 vol.
Record of bad debts due the county, showing names of debtors, amount of debt, names of tax collectors, with auditor's report on collectibility of debt. Also contains a record of promissory notes received, showing name of promisor, date and amount of note, date payment due, amounts received as part payment, and balance. Arr. alph. by name of debtor. No index. Hdw. on ptd. fm. 50 pp. 15 x 8 x ½. Comms. bsmt. vlt.

Equipment and Supplies
(See also entries 330-383, 386-388)

28. DAY BOOK (Record of Office Supplies), 1912-15. 1 vol.
Record of supplies furnished county offices, showing name of office, date and description of supplies furnished, name of person receiving same. Arr. alph. by name of off., entries made chron. Indexed alph. by name of off. Hdw. 500 pp. 15 x 10 x 2. Comms. bsmt. vlt.

29. PASS BOOK (Account Book), 1866-68. 1 vol.
Account book of purchases of supplies by county, from Isaac Livingston of Scranton, showing items and date of purchase. Arr. chron. by date of entry. No index. Hdw. 33 pp. 6 x 8 x 4. Comms. bsmt. vlt.

Accounts
(See also entries 424-426)

30. COMMISSIONERS' LEDGER (Record of Expenditures), 1841-54, 1867-77, 1882-85, 1894-96. 4 vols. Discontinued.
Record of expenditures, showing title of account, date, name of payee, purpose of expenditures, warrant no. and amount. Arr. alph. by title of account, entries made chron. Indexed alph. by title of account. Hdw. Aver. 600 pp. 18 x 13 x 3. Comms. bsmt. vlt.

31. COMMISSIONERS' RECEIPTS OF LUZERNE COUNTY, 1852-59, 1862-64, 1876-83, 1885, 1887-96. 19 vols. Discontinued. Title varies: County Commissioners' General Receipt Book, 1879-83, 1885, 1887-95, 9 vols.; Commissioners' Receipt Book, 1856-59, 1862-64, 1876-79, 4 vols.
Record of receipts for warrant orders issued, showing date of receipt, warrant no., item purchased, amount, and where recorded in ledger. Also statement by payees acknowledging receipt of warrant, showing date and signature. Arr. chron. by date of receipt. No index. Hdw. Aver. 150 pp. 18 x 14 x 1. 1852-55, 1880-81, 1894, 1896, 6 vols., treas. bsmt. vlt.; 1856-79, 4 vols., comms. bsmt. vlt.; 1882-83, 1885, 1887-95, 9 vols., cont. bsmt. vlt.

32. COMMISSIONERS' DAY BOOK, 1875-80. 1 vol.
Commissioners' accounts of county offices, showing name of office, date of receipt or expenditure with amount, source of income, reason for expenditure, and balance. Arr. alph. by name of off., entries made chron. No index. Hdw. 200 pp. 15 x 9 x 1½. Comms. bsmt. vlt.

Board of County Commissioners - Veterans (33-39)

33. COUNTY COMMISSIONERS' WARRANT BOOK, 1920-22, 1924--. 7 vols.
Title varies: Ledger, 1920-22, 1 vol.
Record of warrants issued for payment for services, supplies, and salaries, showing name of account, date, no., amount, and purpose. Arr. num. by warrant no. No index. Hdw. on ptd. fm. Aver. 500 pp. 18 x 12 x 3. 1920-22, 1924-35, 5 vols., comms. bsmt. vlt.; 1936--, 1 vol., off.

34. (RECORD OF COUNTY ORDERS), 1843-46. In (Road Taxes on Unseated Lands), entry 341.
Orders issued by county commissioners, showing date, warrant no., name of payee, date, purpose and amount.

35. RECORD OF ACCOUNT OF FOREST FIRES, 1876-1909. 1 vol.
Record of expenses in fighting fires, showing date and place of fire, names of fire warden and fighters, hours worked, amount of pay, date paid, total cost, and signatures of commissioners and controller. Arr. alph. by name of municipality, entries made chron. No index. Hdw. 405 pp. 14 x 9 x 3. Comms. bsmt. vlt.

36. EXTINCTION OF FOREST FIRES, 1900-1905. 28 papers in 1 f.b.
Bills to county commissioners for fire fighting services rendered during forest fires, showing date, names of men, number of hours of service, rate per hour, total due, date approved and signature of controller. Arr. chron. by date approved. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14. Comm. bsmt. vlt.

37. LUZERNE COUNTY TO-WM. KOONS, SHERIFF (Expense Account), 1847-49.
31 sheets in 1 bdl.
Itemized statement of amount due sheriff for care of prisoners, selection and payment of jurors, cost of equipment and supplies, travel expenses, and advertising, showing date, description of service, amount due and date of settlement. Arr. chron. by date of statement. No index. Hdw. Condition fair. 8 x 13 x $\frac{1}{4}$. Comms. bsmt. vlt.

Veterans
(See also entries 404, 405)

38. SOLDIERS' BURIAL RECORD, 1885-1925. 5 vols. Discontinued.
Record of applications for burial of veterans at public expense, showing date of application, veteran's name, address, occupation, date and place of death, service record, signature of commissioners' representative, itemized list of funeral costs, names of witnesses and notary. Arr. chron. by date of entry. Indexed alph. by name of deceased. Hdw. Aver. 500 pr. 14 x 9 x 2. Comms. bsmt. vlt.

39. WIDOWS' BURIAL RECORD, 1915-25. 1 vol, discontinued.
Record of applications for burial of widows of soldiers at public expense, showing name and address of widow, name of husband, date and place of his death, burial and service record, itemized statement of cost of widow's funeral, signatures of representative appointed by commissioners, witnesses and notarial seal. Arr. chron. by date of entry. Indexed alph. by first letter of surname of deceased. Hdw. 500 pp. 14 x 9 x 2. Comms. bsmt. vlt.

40. VETERANS' GRAVE REGISTRATION RECORD, 1777--. 1 vol.
Record of places of burial in Luzerne County of veterans of all wars, showing name and location of cemetery or burial plot, name of veteran, date of birth and death, war in which served, rank, branch of service, regiment, company, length of service, location of grave, and description of headstone or marker. Arr. alph. by name of cemetery, veterans' names thereunder not arr. Indexed alph. by name of cemetery showing boro. or T. Hdw. on ptd. fm. 496 pp. 19 x 12½ x 3. Off.

41. MUSTER ROLLS, 1849-54. 24 papers in 1 bdl.
Original muster rolls of Black Creek Rifle Company, Abington Volunteer Rifle Company, Benton Rifle Company, Covington Fencibles, Jackson Guards and Conyngham Troop, sent by captains to county commissioners for certification, showing the names, addresses, and rank of personnel, and signatures of attestation. Not arr. No index. Hdw. 8 x 12 x ¼. Comms. bsmt. vlt.

42. (ENROLLMENT FOR MILITARY SERVICE), 1871-73. 2 vols.
Record of enrollment for military service of able-bodied male citizens 21 to 45 years of age, showing names, ages, addresses, enrollment no., whether or not exempt from service. Arr. alph. by name of municipality, entries made alph. by name. No index. Hdw. on ptd. fm. Aver. 536 pp. 14 x 10 x 2. Janitor's bsmt. strm.

43. STATEMENT AND SCHEDULES OF SOLDIERS OF THE REVOLUTIONARY WAR, 1821-29. 77 records in 1 f.b.
Applications for pension, showing name, residence and age of applicant, service record, name of commanding officer, schedule of real and personal property and of debts, date filed, and date of acknowledgment with signature of notary. Arr. chron. by date of application. No index. Hdw. 9½ x 4½ x 13½. Proth. bsmt. vlt.

Miscellaneous

44. APPEAL BOOK (for Free Schooling), 1811-12, 1814-20, 1822-24. 12 vols.
Appeals to county commissioners by townships for county assistance in education of poor children, showing names and addresses of parents or guardians, names and ages of children. Arr. alph. by T. No index. Hdw. Aver. 30 pp. 8 x 6 x ¼. Comms. bsmt. vlt.

For other school budget records, see also entries 452-455.

45. COMMISSIONERS' RECORD, 1910-15, 1935--. 1 vol., 4 f.b. Not open to public. Title varies: Correspondence, 1910-15, 1 vol.
Commissioners' papers, such as general correspondence, contracts, municipal payrolls, and tort claims. Arr. alph. by name of municipality. No index. Hdw. 70 pp. 12 x 10 x ½; f.b., 12 x 24 x 18. 1910-15, 1 vol., comms. bsmt. vlt.; 1935--, 4 f.b., eng. off.

(Next entry 46, p. 60)

II. SOLICITOR

The board of county commissioners has the power to sue and be sued on behalf of the county (1) (see Board of County Commissioners). To assist them in this phase of their duties, they may appoint a county solicitor, who must be an attorney-at-law, admitted to practice in the courts of the Commonwealth (2). Luzerne County has had a solicitor since 1895. The solicitor holds office during the term of the county commissioners and is removable at their discretion (3).

The most important duty of the solicitor is to advise the county commissioners regarding the powers and duties of their office. He also prosecutes suits brought by the county commissioners on behalf of the county, defends all suits brought against the county, and performs every professional act incident to the office which may be required of him by the county commissioners (4).

The solicitor is paid a salary by the county, but is not provided with an office or supplies. There is no legislative provision for the keeping of records by the solicitor and none are kept by him.

1- 1834 PL 537 s 5. 2- 1895 PL 101 s 1 rep. 1929 PL 1278 s 1051, but reen. in s 151. 3- 1895 PL 101 s 1 am. 1903 PL 11 s 1 rep. 1929 PL 1278 s 1051, but reen. in s 151. 4- 1895 PL 101 s 3 rep. 1929 PL 1278 s 1051, but reen. in s 152.

(Next entry 46, p. 60)

III. RECORDER OF DEEDS

The founders of Pennsylvania recognizing the importance and necessity of recording deeds, adopted a provision at the first meeting of the legislature at Chester in 1682 providing for the enrollment of deeds, grants, and conveyances in a public enrollment office. Only one office for the recording of deeds was set up, in Philadelphia, for the entire state (1). In 1715 legislation was passed requiring each county in the Commonwealth to maintain an office for the recording of all deeds, mortgages, and conveyances of land (2). The term of office of the recorder was fixed at three years under the Constitution of 1776 and it remained the same until the amendment to the present constitution in 1909 when the tenure was increased to four years (3).

The office of recorder was combined with that of register of wills at the time Luzerne County was set up. This combination of offices was confirmed by the act of 1839 (4). Pursuant to the act of 1853, the offices of recorder of deeds and register of wills were separated (5). Upon assumption of his duties the recorder of deeds must give a bond (6), and take an oath of office (7). The recorder of deeds receives his salary, office space, and supplies from the county. His office is on the second floor of the courthouse.

Recording of Deeds and Mortgages

The main duty of the recorder of deeds, as his title indicates, is the preservation of records relating to real property within the county. The recorder must record all deeds when they are duly executed and acknowledged (8), certify his seal on the back and note the place where the instrument is recorded (9).

He must also record mortgages (10) and enter on the margin all satisfactions (11), assignments (12), releases (13), and postponements of the lien of mortgages (14); mortgages on minerals (15), or on rentals or royalties thereof (16); mortgages on farm equipment for funds borrowed from federal agencies in a chattel mortgage book (17).

1- Thomas Sergeant, A View of the Land Law of Pennsylvania, Philadelphia, 1838, pp. 230, 231. 2- 1715, 1 Sm L 94 s 1; 1777, 1 Sm L 443. John H. Martin, Bench and Bar of Philadelphia, Philadelphia, 1883, pp. 104, 105. For a review of the early Pennsylvania recording acts see Sergeant, op. cit., p. 230 et seq. 3- Const. 1776 s 34; Const., Art. XIV s 2 as am. 1909. 4- 1839 PL 559 s 1. 5- 1853 PL 698 s 2; 1929 PL 1278 s 221, 222; 1933 PL 950 s 1. 6- 1929 PL 1278 s 234. 7- Const., Art. VII s 1. 1777, 1 Sm L 443 s 3; 1917 PL 415 s 1 (a); 1929 PL 1278 s 53. 8- 1715, 1 Sm L 94 s 2; 1775, 1 Sm L 422 s 2; 1893 PL 108 s 2; 1921 PL 649 s 1. 9- 1715, 1 Sm L 94 s 3. 10- Ibid., s 8. 11- 1856 PL 304 s 1. 12- 1876 PL 18 s 1. 13- 1933 PL 810 No. 128 s 1. 14- 1927 PL 409 No. 267 s 1; 1929 PL 870 s 1. 15- 1887 PL 73 s 3. 16- 1889 PL 197 s 2. 17- 1933 PL 6 s 2 am. 1935 PL 38 s 2.

Recorder of Deeds (Next entry 46, p. 60)

The Recorder must keep a separate daily record of all mortgages or articles of agreement securing the payment of money which are recorded, assigned, or satisfied (18) and certify the same monthly to the board for the assessment and revision of taxes, giving the correct addresses of the holders of the mortgages or articles of agreement (19). He records all letters of attorney (20) and has the power to take acknowledgment of any writing under seal (21), and keeps a record of every instrument brought into his office (22).

The recorder must keep direct and ad sectam indexes to all deeds and mortgages recorded with him (23). All sheriff, coroner, and tax deeds are recorded in these indexes (24).

Before recording any transfer of realty the recorder must obtain a certificate of the grantee's residence, which he forwards to the board for the assessment and revision of taxes (25). He must record receipts for taxes on unseated lands (26), receipts for money paid for the redemption of unseated lands (27); satisfaction of liens for purchase money due the Commonwealth, in the Deed Book (28).

The recorder must keep a separate daily record of every conveyance of land, and file it monthly with the board for the assessment and revision of taxes (29).

Like other county officials, the recorder is required to keep records of the business of his office. He must keep an account of all fees received by him or any person employed in his office (30), which account is scrutinized by the controller from time to time (see Controller). He must make a monthly return and pay into the State Treasury through the Department of Revenue all moneys received for the use of the Commonwealth (31).

Miscellaneous Duties

The recorder is an agent of the Commonwealth in the collection of taxes on deeds, mortgages, and commissions. He makes his returns to the Department of Revenue and pays the amounts collected into the State Treasury (32). He must also make a monthly return to the State Department of Revenue consisting of a daily record of every mortgage or article of agreement, given to secure the payment of money, entered in his office for recording (33). This is to aid the Commonwealth in collecting the four mills state tax on personal property.

18- 1913 PL 507 s 7. 19- 189[illegible] PL 41 s 1, 2, 1913 PL 507 s 7. 20- 1885 PL 55 s 1. 21- 1840 PL 410 s 7, 1859 PL 383 s 1. 22- 1775, 1 Sm L 422 s 6. 23- 1827 PL 154 s 5, 1875 PL 62 s 1; 1905 PL 265 s 6. 24- 1919 PL 160 s 1. 25- 1913 PL 507 s 7; 1929 PL 620 s 1. 26- 1847 PL 279 s 1. 27- 1850 PL 569 s 33. 28- 1816 PL 9, 6 Sm L 309 s 5. 29- 1933 PL 853 s 407 (a). 30- 1868 PL 3 s 8 par. 7; 1901 PL 175 s 1. By 1810, 5 Sm L 105 these accounts had to be forwarded to the Auditor General. This act was rep. as to the counties with a population of 150,000 or over by 1876 PL 13. 31- 1893 PL 125 s 1; 1929 PL 343 s 901, 1931 PL 318 s 1. 32- 1830 PL 272 s 7,8, 1929 PL 343 s 813. 33- 1935 PL 414 s 11.

Recorder of Deeds (next entry 46, p. 60)

He must record data relating to certain orphans court decrees (34), and to limited partnerships, associations, or joint stock companies (35). He certifies the latter to the Auditor General (36).

He records deeds of sheriffs, marshals, and treasurers or deeds made in pursuance of a decree of court (37); sheriff's deeds to unseated lands conveyed in partition proceedings (38); flood control plans (39); certificates of bankruptcy (40); assignments of property for the benefit of creditors (41); deeds of trust (42); decrees in proceedings to discharge encumbrances due and unclaimed for twenty-one years (43); municipal ordinances for the vacation of streets, lanes, and alleys (44); patents granted by the Commonwealth (45); releases of legacies, dowers or recognizances executed outside of the state (46); all written instruments which a married woman may execute without the joinder of her husband (47); final discharges of officers, soldiers, sailors, and marines (48); foreigners' oaths of allegiance (49); plans for all sub-divisions of any piece of land (50).

Although every notary upon leaving office is required to deposit his register and all public papers in his possession with the recorder of deeds (51), this practice is not followed. Justices of the peace and aldermen are sworn in (52), and their bonds recorded by him, though no provision is made as to place of filing (53). So also must the bonds (54) and recognizances (55) of sheriffs, coroners, treasurers (56), registers of wills (57), and commissions of county officers received from the governor (58), be recorded with him. All fees due the Commonwealth on commissions and bonds forwarded through the office of the recorder, are collected by him for the use of the Commonwealth (59). His records are open to public inspection and are transferred to his successor (60).

34- 1828 PL 490 s 1; 1917 PL 403 s 23 (o); 1917 PL 429 s 17 (b); 1917 PL 447 s 6 (f), 12 (y), 32 (a); 1929 PL 648 s 2. 35- 1881 PL 89 s 2; 1887 PL 365 s 2; 1917 PL 55 s 2; 1921 PL 682 s 322, 334; 1929 PL 782 s 1; 1933 PL 289 s 208, 316, 708, 906 am. 1935 PL 1130 s 1; 1935 PL 1139 s 2. 36- 1895 PL 230 s 1. 37- 1846 PL 124 s 1. 38- 1806 PL 572, 4 Sm L 335 s 2. 39- 1936 PL 106 s 4, 6 am. and reen. 1937 PL 48 further am. 1937 PL 2458 s 4. 40- 1907 PL 159 s 1, 2. 41- 1855 PL 415 s 1; 1818 PL 285, 7 Sm L 131 s 5 rep. 1901 PL 404 s 42 but its text has been retained by virtue of decisions to the effect that the act of 1901 was suspended by the Federal Bankruptcy Act, passed 1898, XXX St. at L. 544 chap. 541; see Lavery vs. Beatty, 28 Dist. 612 (1919); also Hoover vs Ober, 42 Pa Super. Ct. 308 (1909). 42- 1854 PL 603 s 1. 43- 1895 PL 44 s 1 rep. as to orphans' court 1917 PL 447 s 63. 44- 1907 PL 223 No. 171 s 1. 45- 1846 PL 124 s 1. 46- 1866 PL 1085 s 1. 47- 1897 PL 83 s 1. 48- 1868 PL 73 s 1/ 1913 PL 81 s 1; 1919 PL 364 s 1. 49- 1789, XIII St. at L. 222 s 5. 50- 1895 PL 124 s 1; 1899 PL 123 s 1. 51- 1791, 3 Sm L 6 s 6; 1840 PL 334; 2. 52- 1877 PL 12 s 4. 53- 1840 PL 294 s 4. 54- 1791, 3 Sm L 8 s 1. 55- 1854 PL 537 s 74 rep. 1929 PL 1278 s 1051 but reen. in s 212. 56- 1834 PL 537 s 32, 34, 35 rep. 1929 PL 1278 s 1051 but reen. in s 145. 57- 1917 PL 415 s 1 (b) (2). 58- 1834 PL 537 s 72 rep. 1929 PL 1278 s 1051 but reen. in s 55. 59- 1923 PL 685 s 2. 60- 1777, 1 Sm L 443 s 5; 1929 PL 1278 s 58.

46. RECORDER'S FILE BOOK, 1885--. 25 vols. (1-25).
Record of all instruments presented for recording, such as deeds, mortgages, powers of attorney, assignments, and quitclaims, showing date, kind and no. of instrument, names of parties, name and location of record book with vol. and p. Arr. chron. by date of entry. No index. Hdw. Aver. 500 pp. 20 x 12 x 3. Off.

Conveyances

47. DEED BOOK, 1787--. 758 vols. (1-758).
Record of all deeds, showing names and addresses of grantor, grantee, and witnesses, description of property conveyed, fees paid, dates of transaction and recording. Also contains: Commissions, 1787-1875, entry 71; Power of Attorney Docket, 1787-1838, entry 66; Sheriff's Deed Book, July 1903--, entry 111. Arr. chron. by date of recording. For indexes, see entries 48-51; for special indexes to Commissions, see entry 72, and to Power of Attorney, entry 69. Hdw., 1787-1900, vols. 1-393; typed on ptd. fm., 1901--, vols. 394-758. Aver. 600 pp. 20 x 12 x 3. Off.

48. INDEX TO DEEDS, GRANTORS, 1787--. 59 vols. (1787-1907, 18 vols., A-Z, No. 1; 1907-24, 21 vols., A-Z, No. 2; 1925--, 20 vols., A-Z, No. 3. A-Z labeling by contained letters of alphabet) and 90 trsb. vols. entitled Index to Deed Books, Grantors, 1787-1907.
Index to Deed Books, showing names of grantor and grantee, dates of deed and recording, location of property, and vol. and p. Arr. alph. by first letter of surname of grantor, entries made chron. Sub-indexed by first 2 letters of surname of grantor. Hdw. and typed. Aver. 350 pp. 20 x 12 x 3. 50 trsb. vols., 1787-1875, co. prison bsmt. vlt.; 40 trsb. vols., 1787-1907, and 1787--, 59 vols., off.

49. INDEX TO DEEDS, GRANTEES, 1787--. 56 vols. (1787-1907, 14 vols., A-Z, No. 1; 1907-24, 20 vols., A-Z, No. 2; 1925--, 22 vols., A-Z, No. 3. A-Z labeling by contained letters of alphabet) and 97 trsb. vols. entitled Deed Book Index, 1787-1873, 8 vols., and Index to Deed Books, Grantees, 1787-1907, 89 vols.
Index to Deed Books, showing names of grantees and grantors, dates of deed and recording, location of property, vol. and p. Arr. alph. by first letter of surname of grantee, entries made chron. Sub-indexed by first 2 letters of surname of grantee. Hdw. and typed. Aver. 350 pp. 20 x 12 x 3. 8 trsb. vols., 1787-1873, janitor's bsmt. strm.; 50 trsb. vols., 1787-1875, co. prison bsmt. vlt.; 39 trsb. vols., 1787-1907, and 1787--, 56 vols., off.

50. INDEX TO DEEDS, CORPORATIONS AND FIRMS, GRANTORS, 1787--. 6 vols. (1787-1907, A-O, No. 1 and P-Z, No. 1; 1907-24, A-O, No. 2 and P-Z, No. 2; 1925--, A-O, No. 3 and P-Z, No. 3)
Index to Deed Books by names of grantor corporations or firms, showing name of corporation, grantee, dates of deed and recording, location of property, vol. and p. Arr. alph. by first letter of name of corporation, entries made chron. Sub-indexed by first 2 letters of name of corporation or firm. Hdw. and typed. Aver. 350 pp. 20 x 12 x 3. Off.

51. INDEX TO DEEDS, CORPORATIONS AND FIRMS, GRANTEES, 1787--. 3 vols. (1787-1907, A-Z, No. 1; 1907-24, A-Z, No. 2; 1925--, A-Z, No. 3)

Recorder of Deeds - Encumbrances (52-56)

Index to Deed Books by names of grantee corporations or firms, showing name of corporation, grantor, dates of deed and recording, location of property, vol. and p. Arr. alph. by first letter of name of corporation, entries made chron. Sub-indexed by first 2 letters of name of corporation or firm. Hdw. and typed. Aver. 350 pp. 20 x 12 x 3. Off.

52. DEEDS, 1787--. 8,800 papers in 44 f.b. (A-Z, by contained letters of alphabet).

Original papers presented to be recorded other than those pertaining to mortgages and never lifted, showing date and character of instrument, names of parties, date recorded, amount of fee, and signature of recorder. Arr. alph. by first letter of surname of grantee. No index. Hdw. and typed on ptd. fm. 10 x 5 x 13. Off.

Encumbrances

53. MORTGAGE BOOK, 1788--. 379 vols. (1-379).

Record of all realty and chattel mortgages and the assignment, extension, and release of mortgages, showing no. and date of mortgage and recording, names and addresses of mortgagor and mortgagee, description of property, amounts, fees paid, and attestation. Arr. chron. by date of recording. For indexes, see entries 54-60. Hdw., 1788-1899, vols. 1-136; typed, 1900--, vols. 137-379. Aver. 600 pp. 20 x 12 x 3. Off.

54. INDEX TO MORTGAGES, MORTGAGORS' (Individual), 1788--. 42 vols. (dated and labeled A-Z by contained letters of alphabet) and 22 trsb. vols., 1788-1913.

Index to Mortgage Book, showing names of mortgagor and mortgagee, vol, and p., dates of mortgage and recording, location of property, and if satisfied. Arr. alph. by first letter of surname of mortgagor, entries made chron. Hdw. and typed on ptd. fm., 1925--, 20 vols. Aver. 400 pp. 20 x 12 x 3. 1788-1875, 4 trsb. vols., co. prison bsmt. vlt.; 1788-1913, 18 trsb. vols. and 1788--, 42 vols., off.

55. INDEX TO MORTGAGES, MORTGAGEES (Individual), 1788--. 31 vols. (dated and labeled A-Z by contained letters of alphabet) and 11 trsb. vols., 1788-1913.

Index to Mortgage Book, showing names of mortgagee and mortgagor, vol. and p., dates of mortgage and recording, location of property, and if satisfied. Arr. alph. by first letter of surname of mortgagee, entries made chron. Hdw. and typed on ptd. fm., 1788-1924, 17 vols., hdw. on ptd. fm. 1925--, 14 vols. Aver. 400 pp. 20 x 12 x 3. 1788-1875, 3 trsb. vols., co. prison bsmt. vlt.; 1788-1913, 8 trsb. vols. and 1788--, 31 vols., off.

56. INDEX TO MORTGAGES, MORTGAGORS, CORPORATIONS AND FIRMS, 1788--. 2 vols. (1788-1924, A-Z, No. 1; 1925--, A-Z, No. 2).

Index to Mortgage Book, showing names of mortgager corporation or firm and mortgagee, vol. and p., dates of mortgage and recording, location of property, and if satisfied. Arr. alph. by first letter of name of corporation or firm, entries made chron. Typed and hdw. on ptd. fm., 1788-1924; hdw. on ptd. fm., 1925--. Aver. 400 pp. 20 x 12 x 3. Off.

57. INDEX TO MORTGAGES, MORTGAGEES, CORPORATIONS AND FIRMS, 1788--. 3 vols. (1788-1924, A-Z, No. 1; 1925--, A-O, No. 2, P-Z, No. 2)
Index to Mortgage Book, showing names of mortgagee corporation or firm and mortgagor, vol. and p., dates of mortgage and recording, location of property, and if satisfied. Arr. alph. by first letter of name of corporation or firm, entries made chron. Typed and hdw. on ptd. fm., 1788-1924; hdw. on ptd. fm., 1925--. Aver. 400 pp. 20 x 12 x 3. Off.

58. INDEX TO MORTGAGES, MORTGAGEES, BANKS AND TRUST COMPANIES, 1832--. 3 vols. (1832-1924, A-Z, No. 1; 1925--, A-O, No. 2 and P-Z, No. 2).
Index to Mortgage Book, showing names of mortgagee banks and trust companies and mortgagor, vol. and p., dates of mortgage and recording, location of property, and if satisfied. Arr. alph. by first letter of name of bank or trust company, entries made chron. Hdw. on ptd. fm. Aver. 400 pp. 20 x 12 x 3. Off.

59. INDEX TO ASSIGNMENTS, EXTENSIONS, RELEASES, ETC. - TO WHOM, 1925--. 4 vols. (A-Z by contained letters of alphabet).
Index to the assignment, extension, and release of mortgages recorded in Mortgage Book, showing names of assignee and assignor, date of record, kind of instrument, and vol. and p. Arr. alph. by first letter of surname of assignee, entries made chron. Hdw. on ptd. fm. Aver. 350 pp. 18 x 15 x 3. Off.

60. INDEX TO ASSIGNMENTS, EXTENSIONS, RELEASES, ETC. - BY WHOM, 1925--. 4 vols. (A-Z by contained letters of alphabet).
Index to the assignment, extension, and release of mortgages recorded in Mortgage Book, showing names of assignor and assignee, date of record, kind of instrument, and vol. and p. Arr. alph. by first letter of surname of assignor, entries made chron. Hdw. on ptd. fm. Aver. 350 pp. 18 x 15 x 3. Off.

61. MORTGAGES, 1787--. 5,600 papers in 28 f.b. (A-Z by contained letters of alphabet).
Original papers pertaining to mortgages presented for recording and never lifted, showing date and character of instrument, signatures of parties, date recorded, amount of fee, and signature of recorder. Arr. alph. by first letter of surname of grantee. No index. Hdw. and typed on ptd. fm. 10 x 5 x 13. Off.

62. STATE LIENS, 1805-39. 2 vols.
Transcript of bill of sale for lands sold by state to settlers, showing date, names of purchaser and secretary of State Land Office, location and description of property, purchase price, terms of agreement, amount of annual payment, clause stating land is subject to a lien of the state until purchase price is paid in full, and date transcribed. Arr. chron. by date of transcription. Indexed alph. by name of purchaser, index being placed in cover pocket. Hdw. Aver. 400 pp. 10 x 15 x 2. Off.
For other records of liens due the Commonwealth see entries 87,88.

Corporations

63. CHARTER BOOK, 1874--. 13 vols. (1-13).
Transcripts of charters granted to corporations, associations and fraternal organizations, showing names of parties applying for charter, purpose and location

Recorder of Deeds - Real Estate Plans; Contracts (64-69)

of organization, conditions and terms under which organized, names and addresses of subscribers and officers, date of affidavit, names of witnesses and notarial seal, also approval of charter by Governor, showing names of Governor and Secretary of Commonwealth, date, vol., and p. where recorded in charter book by Secretary of Commonwealth, and date of recording in Luzerne County. Arr. chron. by date of granting charter. Hdw., 1874-1902, vols. 1-5; typed, 1902--, vols. 6-13. Aver. 600 pp. 20 x 12 x 3. Off.

64. GENERAL INDEX TO CHARTERS, 1874--. 1 vol.
Alphabetical index to Charter Book, showing name of corporation or association, vol. and p., and date granted. Hdw. 474 pp. 10 x 15 x 2. Off.

65. MANUFACTURING COMPANY, 1854-94. 1 vol. Discontinued as county record; subsequent records kept by Secretary of Commonwealth.
Transcripts of certificates issued to manufacturing companies, showing names of parties forming company, name, kind, and purpose of company, financial structure, number and value of shares, amount of stock, names of subscribers, location of company's main office, names of officers and date of affidavit; also approval by Attorney General of Pennsylvania, giving date approved, name of Attorney General, and date recorded. Arr. chron. by date of recording. Indexed alph. by name of manufacturer. Hdw. 500 pp. 10 x 15 x 2. Off.

Real Estate Plans
(See also entries 506-508)

66. MAP BOOK, 1895--. 3 vols. (1-3).
Draft and survey of lots recorded in Luzerne County, showing name of owner, township, borough or division, description, location and boundaries of property, lot nos., scale of map, name of engineer compiling original map, date of recording, initials of recorder of deeds and draftsman, and date drafted. Not arr. Hand-drawn and lettered. Aver. 400 pp. 20 x 12 x 3. Off.

67. INDEX TO MAP BOOK, 1895--. 1 vol.
Index to Map Book, showing name of owner, vol. and p., lot no., location of property by division, township or borough, and sometimes the date of recording of deed. Arr. alph. by name of owner. No index. Hdw. on ptd. fm. 150 pp. 20 x 12 x 3. Off.

Contracts

68. POWER OF ATTORNEY DOCKET, 1839--. 29 vols. (1-29). 1787-1838 in Deed Book, entry 47.
Transcripts of power of attorney, showing names of grantor and grantee, date and reason granted, notarial seal, and date of recording. Arr. chron. by date recorded. Hdw., 1839-99, vols. 1-12; typed, 1900--, vols. 12-29. Aver. 450 pp. 20 x 12 x 3. Off.

69. GENERAL INDEX TO POWER OF ATTORNEY, 1787--. 10 vols. (A-Z by contained letters of alphabet).
Index to powers of attorney recorded in Power of Attorney Docket and prior to 1839 in Deed Book, entry 47, showing names of grantor and grantee, date, vol., and p. Arr. alph. by first letter of surname of party, entries made chron. Typed, Aver. 454 pp. 10 x 15 x 2. Off.

Recorder of Deeds - Oaths and Commissions; Accounts (70-74)

70. LIMITED PARTNERSHIPS, 1840--. 2 vols.
Record of the certification of limited partnerships, showing date of organization, names of parties, type of business, financial structure, date of termination of agreement, names and addresses of stockholders, number of shares and price paid by each, signatures of parties and notarial seal. Arr. chron. by date of record Indexed alph. by names of partners. Hdw., 1840-1908; typed, 1909--. Aver. 500 pp. 12 x 10 x 2. Off.

Oaths and Commissions
(See also entries 118, 170-175, 389)

71. COMMISSIONS, 1876--. 26 vols. (1-23, 25-27, vol. 24 never used).
Title varies: Commissions, Notary Public, 1897--, 7 vols. (6, 14, 17, 18, 23, 26, 27); Commissions, Justice of the Peace, 1912-30, 1 vol. (15); Commissions, Justice of the Peace and Aldermen, 1931--, 1 vol. (25); Police Commissions, 1921--, 3 vols. (19-21). 1787-1875 in Deed Book, entry 47.
Transcript of commissions, bonds, and oaths of office of public officals. Commissions show date, name and address of official, name and tenure of office, and names of Secretary and Governor of the Commonwealth; bonds show names and addresses of official and surety, date and amount of bond, conditions of obligation, affidavit and acknowledgment of sureties; oaths of office show name of official, oath, date sworn, signature of recorder, and date recorded. Arr. chron. by date of commission. Hdw., 1876-99, vols. 1-4; hdw. and typed, 1898-1911, vols. 5-7; typed, 1900--, vols. 8-27. Aver. 500 pp. 20 x 12 x 3. Off.

72. INDEX TO COMMISSIONS, BONDS, ETC., 1787--. 4 vols.
(A-E, F-K, L-R, S-Z).
Alphabetical index to commissions recorded in Commissions and prior to 1876 in Deed Book, entry 47, showing name of official, vol. and p., and date of recording. Typed on ptd. fm. Aver. 640 pp. 10 x 15 x 3. Off.

73. COMMISSIONS, 1911--. 400 papers in 4 f. d. (dated).
Commissions of notaries public and justices of the peace presented for recording and never lifted, showing name of principal, date commissioned, signatures of Governor, Secretary of Commonwealth, date recorded, vol. and p., amount of fee, and signature of recorder. Not arr. No index. Hdw. and typed on ptd. fm. 5 x 20 x 14. Off.

Accounts
(See also entry 417)

74. RECORDER'S FEE BOOK, 1878--. 26 vols.
Daily record and monthly statement of fees received, showing date paid, name of payer, paper no. (beginning at 1 each month), service rendered if other than recording, amounts of fee and state tax, and total amount. Monthly statement shows fees due county and state, and amount due from county to recorder. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. Aver. 450 pp. 20 x 12 x 3. Off.

(Next entry 75, p. 72)

IV. PROTHONOTARY OF THE COURT OF COMMON PLEAS

The term prothonotary appears for the first time in Pennsylvania in Governor Evans' Ordinance issued in 1707, when the court of common pleas was first established as a separate court, having in civil matters practically the same jurisdiction as the former county courts. At that time the term prothonotary was used interchangeably with that of clerk of courts (1). With the development of the judicial system the clerk of the court of common pleas became known as the prothonotary as distinguished from the clerk of the courts of quarter sessions and oyer and terminer, though both offices were usually filled by the same man (2) (see Clerk of Courts of Quarter Sessions and Oyer and Terminer, and Governmental Organization and Records System).

When Luzerne County was set up in 1786, Timothy Pickering acted as prothonotary, clerk of courts, register of wills, and recorder of deeds (3). By the Act of 1839, the office of prothonotary and that of clerk of the courts of quarter sessions and oyer and terminer and clerk of the orphans' court were still combined, but separated from the offices of register of wills and recorder of deeds (4). The office of prothonotary was entirely separated from the other offices by the Act of 1849 (5).

The prothonotary serves for a term of four years (6) and before assuming his duties, he must give a bond (7) and take an oath of office (8). The prothonotary is paid a salary, and furnished with an office and all supplies by the county. His office is on the second floor of the courthouse.

Although the duties of the prothonotary were first prescribed in 1715 (9), by the Act of 1834 (10) he was given the following powers. (a) to sign and affix the seal of the court of common pleas to all processes, (b) to take bail in civil actions, (c) to enter judgments upon the confession of defendants, (d) to sign all judgments; (e) to take acknowledgments of satisfaction of judgments or decrees entered on the record, (f) to administer oaths in conducting the business of his office (11). He was also given custody of the seal and records of the court (12).

The Judgment Docket

The most important record kept by the prothonotary is the judgment docket

1- Frank M. Eastman, Courts and Lawyers of Pennsylvania, New York, 1922, I, 187. 2- W.H. Loyd, Early Courts of Pennsylvania, Boston, 1910; F.M. Whitney vs. James Hopkins, 135 Pa. 246 (1890). 3- Stewart Pearce, Annals of Luzerne County, Philadelphia, 1866, p. 241. 4- 1839 PL 559 s 1. 5- 1849 PL 581 s 4, 1929 PL 1278 s 221-222, 1933 PL 550 s 1. 6- Const., Art. XIV s 2 am. 1909. 7- 1929 PL 1278 s 225. 8- Const., Art. VII s 1, 1834 PL 333 s 76; 1929 PL 1278 s 55. 9- 1715, III St. at L. 73; 1715, III St. at L. 125. 10- 1834 PL 333 s 77. 11- 1859 PL 194 s 1 rep. 1929 PL 1278 s 1051 but reen. in s 226. 12- 1834 PL 333 s 23.

(Next entry 75, p. 72)

Prothonotary of the Court of Common Pleas

or index, in which he must record every judgment or award of the court (13). He must also keep a separate ad sectum index in which are entered the names of any judgment creditor or assignee (14).

The written decisions of the court in trials without a jury must be filed with the prothonotary, who notifies the parties and enters judgment if exceptions are not taken within a prescribed time (15). The court may also authorize the prothonotary to enter judgment upon precipes for want of an appearance, for want of a declaration or plea, or for want of an affidavit of defense (16). Upon application, the prothonotary may enter judgment on any instrument containing a confession of judgment (17). He must report the entry of any judgment to the authorities who assess the taxes (18).

All writs of scire facias to revive or have execution on judgments must be indexed in both the judgment (19), and ad sectum judgment dockets (20). Judgments compelling the assignment of mortgages must be indexed in the judgment docket and certified to the recorder of deeds (21). The prothonotary must also enter upon the judgment docket and properly index all assignments of judgments (22). Also recorded upon the judgment indexes or dockets are proceedings in lunacy, habitual drunkenness, and other matters (23), and certificates from the board of county commissioners to the effect that collectors of county taxes are subject to liability for discrepancies in their accounts (24).

The prothonotary must enter upon his dockets, judgments of the District and Circuit Courts of the United States (25), and matters which pertain to the administrations of decedents' estates (26).

The prothonotary must enter the date and fact of satisfaction of judgments in all books, dockets, and indexes, where they are entered (27), and mark on the judgment docket "Lien Discharged" (28).

Other Dockets

The prothonotary also keeps an appearance docket and a common pleas, or D. S.B. (debt on same bill) docket which in Luzerne County is known as the Continuance Docket (29). All suits instituted and appeals brought are entered in the

13- 1827 PL 154 s 3; 1877 PL 34 s 1. 14-1915 PL 614 s 1. 15- 1874 PL 109 s 2; 1935 PL 640 s 1. 16- 1889 PL 41 s 1. 17- 1806 PL 334, 4 Sm L 270 s 28. 18- 1929 PL 1804 s 1 am. 1937 PL 2325 s 1. 19- 1856 PL 532 s 3; 1895 PL 84 s 1 rep. 1901 PL 431 s 61 but reen. in s 43. 20- 1879 PL 134 s 2. 21- 1903 PL 327 s 1. 22- 1869 PL 350 s 1. 23- 1871 PL 387 s 1 rep. as to proceedings to revive and continue liens of debts against a decedent's real estate 1917 PL 447 s 63. 24- 1937 PL 2780 s 1. 25- 1895 PL 247 s 1 rep. 1927 PL 447 s 1; 1929 PL 1805 s 1. 26- 1917 PL 363 s 18 (b) (5), 18 (c) (1); 1917 PL 447 s 15 (a) (b) (d), 18 (c), 51 (a) (b); 1919 PL 104 s 1. 27- 1791, 3 Sm L 28 s 14; 1834 PL 537 s 77; 1856 PL 304 s 1; 1865 PL 52 s 1; 1876 PL 7 s 1; 1891 PL 244 s 1. 28- 1873 PL 331 s 4; 1905 PL 103 s 1. 29- 1879 PL 134 s 3.

(Next entry 75, p. 72)

Prothonotary of the Court of Common Pleas

appearance docket, and all judgments by confession, and other liens are entered in the common pleas or D.S.B. docket. The ad sectam judgment docket serves as the index to the common pleas or D.S.B. docket.

The prothonotary chooses arbitrators in compulsory arbitration proceedings (30) and has the power to issue executions on awards (31). He must record the proceedings in a docket.

There are numerous laws which minutely indicate the duties of the prothonotary in particular types of proceedings that come before the court of common pleas. In all these cases proper records must be made and preserved. Limitations of space make it impossible to outline each of these procedures in this inventory (32).

Ejectment and Miscellaneous Docket

Any ejectment or action to recover real estate or compel a conveyance may be indexed in an ejectment index (33). In 1913 the legislature, in amending existing laws, required the prothonotary to keep a separate docket to be known as the Ejectment and Miscellaneous Index, in which may be entered ejectment and other proceedings. Proceedings that were required to be entered upon the direct and ad sectam indexes and upon the judgment docket, are not included in the Ejectment and Miscellaneous Index (34).

Whenever proceedings in equity affecting the title to real estate are begun in common pleas court and have been entered in the ejectment, judgment, or miscellaneous index, and subsequently settled, the prothonotary must indicate on the margin of the index the action taken (35). In Luzerne County, however, this information is recorded in the Continuance Docket.

Duties Relating to Associations

In 1933 the prothonotary's duties in respect to associations were taken away and reenacted only as to non-profit corporations (36). The duties relating to all other associations were taken over by the Secretary of the Commonwealth. The prothonotary must make a monthly return to the Department of State of the incorporation of each non-profit corporation, and issue a certified copy thereof to the incorporators (37). Articles and certificates of incorporation (38), amend-

30- Reading Trust Company vs. Mattes (appellant), 250 Pa. 414 (1915). 31- 1836 PL 715 s 20, 23, 33,34. 32- 1803 PL 623, 4 Sm L 88 s 2; 1806 PL 558, 4 Sm L 326 s 8, 12; 1836 PL 606 s 13, 31,32; 1936 PL 729 s 15, 26, 30; 1869 PL 8 s 1; 1878 PL 147 No. 165 s 1; 1887 PL 197 s 1; 1893 PL 345 s 12; 1901 PL 88 s 1,2; 1909 PL 115 s 1,2; 1923 PL 136 [illegible] 103 s 1. 33- 1856 PL 532 s 2. 34- 1878 PL 95 s 1 am. 1913 PL 532 s 1. 35- 1923 PL 6 s 1. 36- 1856 PL 293 am. 1925 PL 403 s 1 rep. insofar as it relates to non-profit corporations 1933 PL 289 s 1102; to business corporations 1933 PL 364 s 1202; to associations 1933 PL 547 No. 108 s 1302; and to incorporated institutions 1933 PL 624 s 1602. 37- 1933 PL 289 s 208. 38- Ibid., s 205.

ment (39), merger and consolidation (40), must be filed with the prothonotary, and notice of change of address must be filed with him and the recorder of deeds (41). The prothonotary must make a monthly report to the Department of State of every non-profit corporation which changes its name (42), and include the names and registered offices of such corporation involved in merger, consolidation (43), or dissolution proceedings (44).

Every partnership must file with the prothonotary its name, the names and addresses of the members, and notify him of any change of membership (45).

Fictitious Names

The certificates of persons conducting business under a fictitious name are recorded by the prothonotary (46). Upon dissolution of the business, any of the members or, upon withdrawal from the business, those members withdrawing, may request the prothonotary to cancel the certificate, or note the withdrawal on the margin (47).

Proceedings in Lunacy and Habitual Drunkenness

When the committee appointed to care for the estate of a lunatic or habitual drunkard sells or mortgages real estate and is incapable or refuses to execute a deed or mortgage, the court may direct the prothonotary to do so (48). All writs, accounts and pleadings in these proceedings must be filed with him (49).

Divorce Proceedings

The sheriff's praecipes, subpoenas, proofs of notice of service (50), and all other papers in divorce proceedings must be filed with the prothonotary (51). In suits by divorced tenants by the entireties for the sale of property situated in more than one county, where a division of the proceeds is sought, a certified copy of the divorce proceedings must be filed in the office of the prothonotary of each county (52).

The Jury

The official jury list (53) and the list of persons actually drawn for jury duty (54) are filed with the prothonotary, who certifies the names of attending, defaulting, and excused jurors (55). If a special view is allowed in any case, the prothonotary must issue a special writ of venire containing the names of the

39- Ibid., s 705. 40- Ibid., s 805. 41- 1917 PL 804 s 1. 42- 1933 PL 289 s 709. 43- Ibid., s 810. 44- Ibid., s 1001. 45- 1851 PL 612 s 13. 46- 1917 PL 645 s 1; 1921 PL 465 s 1; 1923 PL 979 s 1. 47- 1919 PL 542 s 1,2. 48- 1836 PL 589 s 32,33. 49- 1836 PL 589 s 19, 40-42, 50; 1874 PL 122 s 1. 50- 1929 PL 1237 s 26, 29, 38. 51- 1927 PL 864 s 1; 1929 PL 1237 s 25, 60; 1933 PL 1020 s 1. 52- 1927 PL 864 s 4. 53- 1925 PL 244 s 3 am. 1937 PL 2782 s 1. 54- 1925 PL 244 s 5 am. 1929 PL 495 s 1 further am. 1937 PL 2782 s 3. 55- 1834 PL 333 s 128.

jurors (56). Jury fees must be paid to him, and he turns the money over to the county treasurer.

The Lower Courts

The prothonotary acts as clerical officer of the courts of justices of the peace. The justices must file acceptances of office with the prothonotary, who certifies them to the Secretary of the Commonwealth (57).

Transcripts of judgments obtained before justices of the peace are entered on the prothonotary's docket (58), and he may certify such transcripts to other counties (59). Certificates of judgments rendered by justices of the peace against boroughs, townships, and school districts must be filed with the prothonotary, who enters them into the "Record of suits before justices of the peace and aldermen against boroughs, townships and school districts" docket (60). At the end of their terms, justices of the peace are required to deliver to the prothonotary all filled dockets, but this is not strictly observed (61).

Appeals

In response to a writ of certiorari from an upper court, the prothonotary must prepare and forward to the appellate court the record in the case, duly certified by the judge of the lower court (62).

Election Duties

For many years the prothonotary had to perform duties and keep various records pertaining to elections (63). In 1937 these duties were taken over by the county board of elections (see County Board of Elections) except insofar as the court of common pleas has jurisdiction over contested elections, and the papers pertaining to such actions will be found among the records of the prothonotary (64).

Taxation Duties

All tax or municipal claims must be filed with the prothonotary (65), and entered by him in the judgment and locality indexes (66). He must endorse his certificate on treasurer's deeds for lands sold for non-payment of taxes (67).

56- Ibid., s 124. 57- 1877 PL 12 s 4; 1915 PL 142 s 1. 58- 1804 PL 363 s 5; 1810 PL 208, 5 Sm L 161 s 10; 1844 PL 664 s 8; 1885 PL 160 s 1. 59- 1810 PL 208, 5 Sm L 161 s 17. 60- 1905 PL 296 s 1, 2. 61- 1915 PL 669 s 1. 62- 1897 PL 67 s 2, 5. 63- 1839 PL 519 s 84, 85; 1839 PL 559 s 3; 1850 PL 654 s 2; 1864 PL 990 s 17, 18; 1874 PL 31 s 10, 13; 1874 PL 54 s 5; 1893 PL 419 s 3; 1897 PL 223 s 1; 1899 PL 127 s 1; 1899 PL 254 s 1; 1909 PL 425 s 1; 1919 PL 458 s 2; 1919 PL 855 s 1; 1921 PL 423 s 3; 1923 PL 267 s 1; 1925 PL 103 s 1; 1927 PL 360 s 2; all rep. 1927 PL 1333 s 1901. 64- 1937 PL 1333. 65- 1923 PL 207 s 9; 1927 PL 729 s 2; 1927 PL 733 s 3; 1937 PL 2809 s 9. 66- 1923 PL 207 s 28. 67- 1911 PL 257 s 1.

Prothonotary of the Court of Commons Pleas (Next entry 75, p. 72)

Under the act of 1889 all unpaid taxes in third class cities were to be registered by the prothonotary in a city lien docket (68). Unsatisfied tax liens upon real estate are entered upon separate dockets and set out separately for each ward, borough, and township (69). Special assessments against owners of property for costs of improving streets, alleys, or highways must be entered in a municipal lien and judgment docket (70).

Bonds given by purchasers of real estate at tax sales are filed with the prothonotary and entered in a "Surplus Bond Record" docket (71).

Notices of liens for taxes due the Federal Government, and certificates discharging such liens, are filed by the Collector of Internal Revenue with the prothonotary, who must keep a Federal Tax Lien Notices file and a Federal Tax Lien Index (72). These records are considered as judgments and are kept in the Common Pleas File.

The Business of the Office

The prothonotary must keep general accounts of the business of his office in a cost docket. All costs collected by him and not paid out to the parties entitled to them are turned over, with the cost docket, to his successor (73). Upon receiving money the prothonotary for several years credited the same to the parties entitled to it, and at the beginning of each quarter posted in his office a notice showing the amount due each person (74). He must keep an account of all fees received by him, which account is scrutinized by the controller from time to time (75) (see Controller).

The prothonotary is authorized to act as agent of the Commonwealth to collect taxes on legal documents. He must make a return to the Department of Revenue, and pay the moneys collected to the State Treasurer (76). He must also make monthly returns to the Department of Revenue and pay to the State Treasurer all moneys received for the use of the Commonwealth (77).

The prothonotary must make a report to the Department of Revenue of all estates or effects which have been deposited with the court of common pleas if the whereabouts of the rightful owners have been unknown for seven years (78). He keeps a daily record of every instrument filed in his office securing a debt

68- 1889 PL 277 art. XV s 11 rep. 1931 PL 932 s 4701. 69- 1899 PL 120 s 1. 70- 1893 PL 453 s 5 rep. as to third class cities 1931 PL 932 s 4701. 71- 1804 PL 157, 4 Sm L 201 s 2; 1895 PL 47 s 1. 72- 1929 PL 1215 s 1, 3. 73- 1913 PL 188 s 1, 2. 74- 1913 PL 567 s 1 rep. 1929 PL 1278 s 1051. 75- 1868 PL 3 s 8 par. 7 am. 1901 PL 175 s 1; 1810, 5 Sm L 103 these accounts had to be forwarded to the Auditor General, but this act was rep. as to counties with a population of 150, 000 or over 1876 PL 13 s 1. 76- 1830 PL 272 s 1; 1929 PL 343 s 611. 77- 1893 PL 125 s 1. 78- 1929 PL 343 s 1305; 1935 PL 190 s 1.

Copies of this record must be transmitted monthly to the Department of Revenue (79) and the board for the assessment and revision of taxes (80).

The prothonotary keeps a State Appropriation Docket and index, together with certificates of acceptance and satisfaction (81).

Miscellaneous Duties

The prothonotary receives all dockets of writs kept by the sheriff (82). After acknowledgment, and pending delivery for recording, sheriff's deeds remain in the custody of the prothonotary (83). He must file reports of viewers in lateral railroad construction (84) and keep for public inspection advance copies of laws enacted at each session of the General Assembly (85). Disabled war veterans wishing to obtain peddlers' licenses without cost, must obtain from the prothonotary a certificate that they have fulfilled all the necessary requirements (86).

Prior to 1906 the courts of common pleas and quarter sessions and oyer and terminer had jurisdiction over the naturalization of aliens by virtue of the first uniform naturalization law passed by Congress in 1790 (87). The comprehensive naturalization law of 1906, which provided for uniform processes and records over the nation, gave exclusive jurisdiction over naturalization of aliens to the following specified courts: United States District Courts in the States and Territories, the Supreme Court, and also all courts of record in any state or territory having a seal, a clerk, and jurisdiction in actions at law and equity in which the amount in controversy is unlimited . . . (88). Under this law the practice arose, in Luzerne County, of confining naturalization proceedings to the Federal District Court in Scranton. In 1912 the jurisdiction to naturalize aliens was transferred to the court of common pleas and the records of these proceedings are found among the records of the prothonotary.

The prothonotary must accept for filing warrants of attorney in every action (89); bonds of hawkers or peddlers (90); bonds of importers of horses (91); licenses of owners of jacks or stallions for breeding purposes (92); oaths of office of county officers (93); professional certificates (94); notes of testimony (95);

79- 1935 PL 414 s 11. 80- 1913 PL 507 s 8. 81- 1911 PL 736 s 4, 5, 7. 82- 1834 PL 537 s 78; 1936 PL 755 s 78, 79. 83- 1905 PL 265 s 3, 4. 84- 1832 PL 531 s 1; 1919 PL 205 s 1; 1921 PL 1050 s 1. 85- 1893 PL 102 s 2 rep, 1929 PL 1278 s 1051 but reen. in s 230. 86- 1867 PL 50 s 1; 1891 PL 250 s 1; 1921 PL 895 s 1; 1935 PL 126 s 1; 1937 PL 1191 No. 305 s 1. 87- 1790, 1 Stat. L. 103 Chap. 3. 88- 1906, 34 Stat. L. 596 Chap. 3592 s 3; 1911, 36 Stat. L. 1167 Chap. 231 s 289; 1913, 37 Stat. L. 737 Chap. 141 s 3. 89- 1722, 1 Sm L 131 s 28. 90- 1729; 1 Sm L 179 s 1 rep. 1784, 2 Sm L 99 s 6 but reen. by s 2. 91- 1748, 5 St. at L. 65 s 1. 92- 1907 PL 114 s 1 sup. 1911 PL 631 s 1; 1921 PL 200 s 1. 93- Const., Art. VII s 1; 1850 PL 654 s 2; 1929 PL 1063 s 203; 1929 PL 1278 s 53. 94- 1897 PL 206 s 13; 1921 PL 399 s 5 rep. 1933 PL 216 s 14; 1909 PL 46 s 9; 1909 PL 475 s 1; 1911 PL 241 s 1; 1913 PL 441 s 1 rep. 1929 PL 160 s 7; 1915 PL 687 s 1; 1917 PL 21 s 6; 1919 PL 73 s 1; 1921 PL 151 s 1; 1923 PL 1069 s 1; 1925 PL 659 s 2; 1937 PL 795 s 6. 95- 1867 PL 83 sup. 1874 PL 182 rep. 1887 PL 199 s 8 but reen. in s 3; 1911 PL 279 s 4.

Prothonotary of the Court of Common Pleas - Oaths and Commissions; Justices of the Peace (75-77)

liens for manual labor (96); libels for shipbuilders' liens (97); a partition docket (98); an indexed conditional sales docket (99); a mechanic's lien docket (100); a lien docket of unpatented lands or a land lien docket (101); at least two indexes for every book of record (102); all papers filed in workmen's compensation cases (103); accounts of trustees' interviews, assignees (104), and guardians of feeble-minded persons (105).

These and many other duties make the office of prothonotary the most complex of all county offices. Moreover, in addition to the records which are specifically required, he has kept other records as a matter of practice and expediency.

Oaths and Commissions
(See also entries 71, 118, 119, 213, 214)

75. APPOINTMENTS, CONFIRMATIONS, AND APPROVALS, 1860-97. 740 papers in 1 f.b. 1898-- in Common Pleas Files, entry 119.
Petitions for and appointments of public officials to fill vacancies, with confirmations, showing names and addresses of appointees, date of appointment, and position filled. Arr. chron. by date filed. No index. Hdw. $9\frac{1}{2}$ x $4\frac{1}{2}$ x $13\frac{1}{2}$. Proth. bsmt. vlt.

Justices of the Peace

76. ALDERMAN'S DOCKET, Scattered Dates, 1846-1922. 51 vols.
Dockets kept by aldermen and justices of the peace and deposited with the prothonotary, showing name of officer, date of hearing, names of constable, parties, and witnesses, cause of action, date of hearing, charges, amount and type of bail posted, disposition of case, amount of costs and fees, and date of payment. Arr. chron. by date of hearing. Indexed alph. by name of plaintiff. Hdw., typed, and hdw. and typed on ptd. fm. Aver. 472 pp. 14 x 9 x 2. Off.

77. RECORD OF SUITS, 1905-32. 1 vol. Discontinued.
Record of suits instituted before aldermen and justices of the peace against boroughs, townships, and school districts, showing names of parties, date of filing suit, case no., date and amount of judgment. Discontinued as procedure was declared unconstitutional. Arr. alph. by municipalities, entries made chron. Indexed alph. by name of municipality. Hdw. 300 pp. 17 x 15 x 2. Off.

96- 1872 PL 47 s 1; 1883 PL 116 s 1; 1887 PL 337; 1891 PL 54 s 1. 97- 1836 PL 616 s 3. 98- 1849 PL 524 s 3; 1850 PL 569 s 27; 1907 PL 461 s 2 rep. 1929 PL 1278 s 1051 but reen. in s 517. 99- 1925 PL 603 No. 325 s 6, 10. 100- 1872 PL 47 s 1; 1901 PL 431 s 7, 11; 1905 PL 172 s 1. 101- Const., Art. IV s 19; 1864 PL 914 s 1, 3, 4; 1868 PL 60 s 1; 1872 PL 51 s 3; 1874 PL 135 s 4; 1911 PL 106 s 2. 102- 1827 PL 154 s 5. 103- 1915 PL 736 s 427-430, 432; 1919 PL 642 s 6; 1919 PL 734 s 1; 1921 PL 910 s 1; 1931 PL 598 s 1. 104- 1835 PL 107 rep. as to testamentary trustees 1917 PL 447 s 63; 1828 PL 453 s 3; 1831 PL 192 s 4; 1836 PL 628 s 22. 105- 1907 PL 292 s 6 (b); 1915 PL 124 s 1.

Prothonotary of the Court of Common Pleas - Juries; Trial and Argument Lists (78-85)

Juries
(See also entries 119, 183, 329, 330)

78. LIST OF JURORS, 1875--. 37 vols. Title varies: List of Names of Jurors, 1875-1903, 3 vols.
List of names selected by jury commissioners to be placed in jury wheel, showing name, address, and occupation of prospective juror, and, if selected, date of service. Arr. alph. by name of juror. No index. Hdw., 1875-1903; typed, 1904--. Aver. 300 pp. 13 x 11½ x 1. 1875-1903, 3 vols. off.; 1904--, 34 vols., off. of the secty. to the judges.

79. NAMES OF JURORS, 1884-1915. 3 vols.
Copy of record of jury service, showing juror's name, address, occupation, and days of service. Arr. chron. No index. Hdw., 1884-1900; typed, 1900-1915. Aver. 400 pp. 17 x 13 x 2½. Janitor's bsmt. strm.

Trial and Argument Lists
(See also entries 167, 176, 183, 217)

80. TRIAL LIST, LUZERNE COUNTY (Court of Common Pleas), 1816-23, 1843--. 39 vols. 1824-42 in (Subpoenas, Praecipes, and Trial Lists), entry 85.
Calendar of cases ordered for trial, giving date of trial, court term and case no., names of parties and attorneys, and nature of the case. Arr. chron. by term of court. No index. Hdw. on ptd. fm. Aver. 300 pp. 14 x 10 x 2½. Off.

81. ISSUE LIST, 1858-76. 2 vols. Discontinued.
Trial list of cases at issue, showing court term and case no., names of parties and attorneys. Arr. chron. by court term and num. by case no. No index. Hdw. Aver. 377 pp. 14 x 9 x 1½. Off.

82. ARGUMENT AND CERTIORARI LIST, 1847-1928. 33 vols. Discontinued.
List of cases to be argued on writs of certiorari, showing names of parties, attorneys, court term and case no., and rules taken. Arr. chron. by date of entry. No index. Hdw. Aver. 624 pp. 14 x 9 x 2½. Off.

83. EQUITY TRIAL LIST, 1902-24. 1 vol. Discontinued.
Calendar of cases in equity ordered for trial, showing names of parties, attorneys, charges, court term and case no. Arr. chron. by order listed for trial. No index. Hdw. 600 pp. 14 x 9 x 2½. Off.

84. WORKMEN'S COMPENSATION ARGUMENT LIST, 1929--. 1 vol.
Calendars of appealed workmen's compensation cases listed for trial, showing names of parties, attorneys, court term and case no., and disposition of case. Arr. chron. by term of court. No index. Hdw. 288 pp. 14 x 10 x 2. Off.

85. (SUBPOENAS, PRAECIPES, AND TRIAL LISTS), 1787-1909. 4,600 records in 8 f.b. 1910--in Common Pleas Files, entry 119.
Subpoenas and praecipes for trial list issued by the prothonotary, showing date issued, names of parties and witnesses, court term and case no., and signature of prothonotary. Also contains: Trial List, 1824-42, entry 80. Arr. chron. by

Prothonotary of the Court of Common Pleas - Minutes; Liens (86-90)

term of court. No index. Hdw. and hdw. on ptd. fm. 9½ x 4½ x 13½. Proth. Bsmt. vlt.

Minutes
(See also entries 177, 218)

86. COURT MINUTES, COMMON PLEAS COURT, 1801-14, 1818-47, 1849--.
75 records in 2 f.b. 96 vols.
Minutes of common pleas court, showing names of parties and attorneys, court term and case no., nature of case, names of judge and jurors, and disposition of the case. Arr. chron. No index. Hdw. Condition poor, 1809-47, F.b. 9½ x 4½ x 13½. Vols. aver. 700 pp. 16 x 12½ x 3; 1801-8, 1811-14, 2 f.b., proth. bsmt. vlt.; 1809-10, 1818-47, 1849--, 96 vols., off.

Liens
(See also entries 17-20, 62)

87. STATE (LAND) LIEN DOCKET, 1776--. 1 vol.
Record of liens due Commonwealth as of June 1, 1868, to insure complete payment for original land patents, showing no. and date of grant, name of warrantee, quantity of land applied for, location, quantities retained and unpatented, amount paid, rate and date of interest, amount due, date of payments and location of account, fees, total amount due, date and manner of satisfaction. Land grants prior to 1786 as of Northumberland County, later Luzerne County. Trsb. record certified as to accuracy by Surveyor General of the Commonwealth. Arr. alph. by name of warrantee. No index. Hdw. 160 pp. 21 x 15 x 1. Off.

88. STATE LIEN SATISFACTIONS (Dept. of Internal Affairs), 1897--.
18 papers in 1 f.b.
Orders to mark satisfied state liens which have been claimed to insure payment for original land patents, showing date of grant from 1776-1868, name of warrantee, description and location of land, amounts paid, date satisfied, and seal of Secretary of Internal Affairs. Arr. chron. by date satisfied. No index. Typed on ptd. fm. 10 x 5 x 13½. Off.

89. COUNTY TAX LIENS, 1899--. 6,500 records in 160 bdl. and 43 f.b.
Title varies: Return of Uncollected Taxes, 1899-1912, 8 f.b.
Tax liens filed by solicitor, giving no. of lien, vol. and p. in County Tax Docket (County Commissioners), entry 91, name of defendant, nature of tax delinquency, location of property, and amount of taxes and interest due. Filed with these are Suggestions Sur County Tax, giving amount of tax and interest due, and Suggestions of Death, showing name of deceased taxpayer, no. of original claim, date, amount, interest, and costs of filing suggestion. Arr. chron. by date of filing. No index. Hdw. on ptd. fm. Bdl. 8 x 4 x 12, f.b. 9½ x 4½ x 13½. 1899-1935, 8 f.b. and 160 bdl., proth. bsmt. vlt.; 1936--, 35 f.b., off.

90. RETURN OF RECEIVER OF TAXES, 1879-1901. 4,000 papers in 6 f.b.
Discontinued.
Reports made by receiver of taxes, showing location of property assessed, assessment year, date of return, date filed, signature of receiver of taxes, vol. and p. where recorded in County Tax Docket (County Commissioners), entry 91. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 9½ x 4½ x 13½. Proth. bsmt. vlt.

91. COUNTY TAX DOCKET (County Commissioners), 1879--. 47 vols.
Title varies: Tax Liens, Luzerne County, 1879-1911, 11 vols.
Record of liens entered by county commissioners for unpaid taxes, showing names of parties, no. of lien, date filed, date taxes are due, description of property, kind of tax, and penalties. Also contains: Tax Lien Docket (City of Wilkes-Barre), 1895--, entry 96. Arr. alph. by name of taxpayer, num. by lien no. 1879-1911 indexed alph. by name of taxpayer; for index 1912-- see entry 103; for index by locality, 1910--, see entry 93. Hdw. on ptd. fm. Aver. 900 pp. 19 x 12½ x 4. Off.

92. MUNICIPAL LIEN DOCKET, 1867-Sept. 1901. 4 vols. (6-9). Oct. 1901-- in M.L. (Municipal and Mechanic Liens) Docket, entry 98.
Record of municipal liens for municipalities other than Wilkes-Barre, showing date, no., names of parties and attorneys, nature and amount of lien, costs, description of property, date of satisfaction, and signature of municipal officer. Arr. chron. by date of entry. Indexed alph. by name of defendant. Hdw. on ptd. fm. Aver. 600 pp. 18 x 13 x 3. Off.

93. LOCALITY INDEX (Municipalities), 1910--. 9 vols. (Locality Index, Boroughs, 3 vols.; Locality Index, Townships, 3 vols.; Locality Index, Cities, 3 vols.).
Index to location of property against which tax liens have been filed and which are recorded in County Tax Docket, entry 91, and Municipal Lien Docket, entry 92, and M.L. (Municipal and Mechanic Liens) Docket, entry 98, showing court term and case no., name of defendant, location of property, date and amount of lien, and date satisfied. Arr. alph. by names of municipalities, entries made chron. Hdw. on ptd. fm. Aver. 700 pp. 19 x 15 x 4½. Off.

94. MUNICIPAL LIEN AND SPECIFICATION (City of Wilkes-Barre), 1867-Sept. 1901. 1,470 papers in 6 f.b. Oct. 1901-- in Common Pleas Files, M.L.D. (Municipal and Mechanic Liens Docket), entry 97.
Liens filed for municipal claims, showing names of defendant, attorneys, court term and case no., date filed, amount and nature of claim, description of property, docket vol. and p. where recorded. Arr. chron. by court term and case no. No index. Hdw. on ptd. fm. 9½ x 4½ x 13½. Proth. bsmt. vlt.

95. MUNICIPAL LIEN DOCKET (City of Wilkes-Barre), 1892-Sept. 1901. 2 vols. Oct. 1901-- in M.L. (Municipal and Mechanic Liens) Docket, entry 98.
Record of municipal liens in Wilkes-Barre, showing date, no., names of parties and attorneys, nature and amount of lien, costs, description of property, date of satisfaction, and signature of city solicitor. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. Aver. 600 pp. 18 x 13 x 3. Off.

96. TAX LIEN DOCKET (City of Wilkes-Barre), 1879-94. 4 vols. (1-4). 1895-- in County Tax Docket (County Commissioners), entry 91.
Record of tax liens against real estate in Wilkes-Barre, showing name of owner, description of property, amount of delinquent taxes and interest, date interest begins, date of return, date lien satisfied, and signature of receiver of taxes. Arr. chron. by date of entry. Indexed alph. by name of defendant. Hdw. on ptd. fm. Aver. 600 pp. 16 x 11½ x 2½. Off.

Prothonotary of the Court of Common Pleas - Judgments (97-103)

97. COMMON PLEAS FILES, M.L.D. (Municipal and Mechanic Liens Docket), Oct. 1901--. 115,000 papers in 331 f.b.
Municipal and mechanic liens filed against property, showing date, court term and case no., names of parties, attorneys, nature and amount of claim, location and description of property, penalties, and signatures of attestation. Also contains: Municipal Lien and Specification (City of Wilkes-Barre), entry 94; Mechanic's Liens, entry 100. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 13½. 1901-27, 102 f.b., proth. bsmt. vlt.; 1928--, 229 f.b., off.

98. M.L. (Municipal and Mechanic Liens) Docket, Oct. 1901--. 42 vols. (1-42).
Record of all municipal and mechanic liens, showing date, no., names of parties and attorneys, nature and amount of lien, costs, description of property, and date satisfied. Also contains: Municipal Lien Docket, entry 92; Municipal Lien Docket (City of Wilkes-Barre), entry 95; Mechanic's Liens (Docket), entry 101. Arr. chron. by court term and lien no. For index see entry 103, and 1910--, entries 93 and 99. Hdw., 1901-5; typed 1906--. Aver. 600 pp. 18 x 13 x 3. Off.

99. M.L. (Municipal and Mechanic Liens) INDEX, PLAINTIFFS, 1910--. 2 vols.
Index by names of plaintiffs to M.L. (Municipal and Mechanic Liens) Docket, showing names of parties, court term and case no. Also contains: Mechanic's Liens Docket Index, entry 102. Arr. alph. by names of parties. Hdw. on ptd. fm. Aver. 1,000 pp. 17 x 14 x 5. Off.

100. MECHANIC'S LIENS, 1836-Sept. 1901. 8,700 papers in 30 f.b. Oct. 1901-- in Common Pleas Files, M.L.D. (Municipal and Mechanic Liens Docket), entry 97.
Liens against property filed by contractors in re claims for material and labor, showing names of parties, date filed, court term and no. in vol. and p. where recorded in Mechanic's Liens (Docket), entry 101, amount and nature of lien, description of property, and signature of contractor. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 9½ x 4½ x 13½. Proth. bsmt. vlt.

101. MECHANIC'S LIENS (Docket), 1843-Sept. 1901. 15 vols. (2-16). Oct. 1901-- in M.L. (Municipal and Mechanic Liens) Docket, entry 98.
Record of liens filed by contractors against property, showing names of parties and costs, nature and amount of lien, stipulations of agreement, date of filing, and signature of witness. Arr. chron. by date of entry. Hdw. Aver. 500 pp. 16 x 11 x 2½. Off.

102. MECHANIC'S LIENS DOCKET INDEX, 1843-1901. 2 vols. 1910-- in M.L. (Municipal and Mechanic Liens) Index, Plaintiffs, entry 99.
Alphabetical index to Mechanic's Liens Docket, showing names of parties, lien no., vol. and p. Arr. alph. by name of plaintiff, entries made chron. Hdw. on ptd. fm. Aver. 700 pp. 18 x 12½ x 3½. Off.

Judgments
(See also entries 338, 340)

103. JUDGMENT DOCKET INDEX, Nov. 1865--. 201 vols. (dated and labeled 16-50, chronologically and sub-divided into separate alphabetical

Prothonotary of the Court of Common Pleas - Judgments (104-109)
Appeals

vols. for each no., labeled, in turn, A-Z by contained letters of alphabet) and 13 trsb. vols. Title varies: Judgment Docket, Nov. 1865-98, 46 vols.
Index to judgments recorded in Continuance Docket, entry 120; County Tax Docket (County Commissioners), 1912--, entry 91; and M.L. (Municipal and Mechanic Liens) Docket, entry 98, showing names of parties and attorneys, court term, lien no., date, type and amount of judgment, writ, costs and date of satisfaction. Includes judgments against corporations and firms. Arr. alph. by first letter of surname of defendant, entries made chron. Sub-indexed alph. by first two letters of surname. Hdw. on ptd. fm. Aver. 500 pp. 10 x 16 x 3. Off.

104. JUDGMENT DOCKET, 1827-Oct. 1865. 15 vols. (dated and labeled 1-15). Discontinued.
Brief chronological record of judgments recorded in Continuance Docket, entry 120, showing names of parties and attorneys, court term and case no., date and amount of judgment, writ and costs, and date of satisfaction. The chronological recording of judgments stops with vol. 15, October 1865, subsequent vols. with this title are in fact an alphabetical index to judgments, see entry 103. Arr. chron. by court term. Hdw., vols. 1-14; hdw. on ptd. fm., vol. 15. Aver. 360 pp. 18 x 13 x 3. Off.

105. JUDGMENT DOCKET INDEX, 1827-65. 6 vols. (1-6). Discontinued.
Alphabetical index to chronological listing of judgments in Judgment Docket, vols. 1-15, showing names of parties, vol. and p. Arr. alph. by first letter of surnames of parties, entries made chron. Hdw. Aver. 500 pp. 18 x 13 x 3. Off.

106. JUDGMENT INDEX ADSECTUM, 1915--. 9 vols. (A-Z by contained letters of alphabet).
Index by name of plaintiff to judgments recorded in Continuance Docket, entry 120, showing names of judgment creditor and debtor, court term and case no., date, nature and amount of lien. Arr. alph. by first letter of surname of judgment creditor, entries made chron. Hdw. on ptd. fm. Aver. 400 pp. 17½ x 15 x 3. Off.

107. JUDGMENT MEMORANDUM, 1861--. 4 vols.
Temporary record of judgments to be recorded in Judgment Docket Index, entry 103, showing court term and case no., date and amount of judgment and names of parties. Arr. chron. by date of entry. No index. Hdw., 1861-1907; hdw. on ptd. fm., 1908--. Aver. 218 pp. 12½ x 8 x 1. Off.

108. UN-NUMBERED FILES, 1900-1922. 1,200 papers in 3 f.b.
Papers filed in execution of judgments such as praecipes and writs, but unissued for lack of payment of fees, showing names of parties, attorneys, court term and case no., date and kind of instrument. Arr. chron. by term of court. No index. Hdw. on ptd. fm. 10 x 5 x 13½. Off.

Appeals

109. CIRCUIT COURT DOCKET, 1790-1810. 1 vol.
Transcription from Supreme Court Docket of cases appealed from Luzerne County courts, showing court term and case no., rulings, costs, names of parties, basis

for appeal, and final disposition. Contains certification by prothonotary of the Supreme Court. Arr. chron. by term of court. No index. Hdw. Condition fair. 200 pp. 10½ x 8 x 1. Off.

Executions
(See also entries 17-26, 270, 271, 273-276)

110. EXECUTION DOCKET (Common Pleas Court), 1788--. 33 vols. (1-32, 2 vols. no. 26).
Record of steps taken in execution proceedings, showing names of parties, attorneys, court term and case no., kind of writ issued, date returnable, date and amount of judgment, fees and costs. Arr. chron. by term of court. No index. Hdw. Aver. 700 pp. 14 x 11 x 3½. Off.

111. SHERIFF'S DEED BOOK, 1896-June 1905. 5 vols. (21-25). Title varies: Sheriff's Deed Book, Lev. Fa. (Levari Facias), vol. 24; Sheriff's Book, Fi. Fa. (Fieri Facias), vol. 25. 1803-95 in Sheriff's and Treasurer's Deed Books, entry 114, July 1905--in Deed Book, entry 47.
Transcripts of sheriff's deeds, showing court term, names of sheriff and grantee, date of writ, judgment no., description and location of property, name of former owner, terms and conditions of sale, dates of deed, acknowledgment, and recording, and signatures of sheriff and witnesses. Arr. chron. by date of entry. Hdw. on ptd. fm. Aver. 325 pp. 18 x 13 x 3. Off.

112. SHERIFF'S DEED BOOK INDEX, 1803-1905. 6 vols. (A-H, 1; I-R, 1; S-Z, 1; A-H, 2; I-R, 2; S-Z, 2).
Index to Sheriff's Deeds recorded in Sheriff's Deed Book, vols. 21-25, and Sheriff's and Treasurer's Deed Books, vols. 1-20, entry 114, showing names of defendant, sheriff, with date of his commission, and grantee, vol. and p. Arr. alph. by first letter of surname of defendant, entries made chron. Hdw. on ptd. fm. Aver. 600 pp. 18 x 13 x 3. Off.

113. LIST OF SHERIFF'S DEEDS, 1905--. 1 vol.
List of deeds issued by sheriff, showing names of grantee and sheriff, date deed received, date delivered, and to whom delivered. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. 500 pp. 18 x 13 x 2. Off.

114. SHERIFF'S AND TREASURER'S DEED BOOKS, 1803--. 20 vols. (1-20) and 11 trsb. vols. (1803-52). Last entry 1923.
Transcript and record of treasurer's deeds, 1803-1912, showing court term, date of sales, names of treasurer, former owner and buyer, description and location of property, reason for sale, amount paid, amount of debt, dates of acknowledgment and recording and signature of treasurer. Also contains: Sheriff's Deed Book, 1803-95, entry 111. Ther have been no county treasurer's sales since 1912. Vol. 20 contains also about five entries 1913-23, recording deeds for properties sold for treasurers of municipalities. Arr. chron. by date of entry. For index see entries 112 and 115. Hdw. Aver. 300 pp. 15 x 11 x 2½. Off.

115. TREASURER'S DEED BOOK INDEX, 1803--. 6 vols. (A-H, 1; I-R, 1; S-Z, 1; A-H, 2; I-R, 2; S-Z, 2). Last entry 1923.
Index to treasurer's deeds recorded in Sheriff's and Treasurer's Deed Books, show-

Prothonotary of the Court of Common Pleas - Bonds; Papers and Dockets

ing names of purchaser, warrantee, and treasurer, with date of his bond, and vol. and p. Arr. alph. by first letter of surname of purchaser, entries made chron. No index. Hdw. on ptd. fm. Aver. 603 pp. 18 x 13 x 3. Off.

116. AUDITOR'S REPORTS (Sheriff's Sales), 1840-1901. 2,000 records in 18 f.b. 1902-- in Common Pleas Files, entry 119.

Auditors' reports on distribution of funds arising from sheriff's sales, showing report no., names of parties, court term and case no., history of case, amounts received from sale, costs and fees, disposition of balance, and signature of auditor. Arr. num. by report no. No index. Typed and hdw. $9\frac{1}{2}$ x $4\frac{1}{2}$ x $13\frac{1}{2}$. Proth. bsmt. vlt.

117. PRAECIPES (Fiere Facias), 1822-1913. 42,070 papers in 42 f.b. 1804-1905 also in Miscellaneous Writs and Judgments, entry 132; 1914-- in Common Pleas Files, entry 119.

Writs of fiere facias, giving names of parties, attorneys, writ no., court term, date returnable, and name of prothonotary. Arr. chron. by date of filing. No index. Hdw., and hdw. on ptd. fm. $9\frac{1}{2}$ x $4\frac{1}{2}$ x $13\frac{1}{2}$. 1822-1902, 38 f.b., proth. bsmt. vlt.; 1903--, 4 f.b., off.

Bonds

(See also entries 71, 170-175, 390)

118. BONDS AND OATHS, 1855-1901. 1,000 papers in 4 f.b. 1902-- in Common Pleas Files, entry 119.

Oaths of public officials, and bonds posted by buyers of property at sheriff's sales; oaths show date sworn, signature of person taking oath, date, vol. and p. where recorded in Commissions, entry 71. Bonds show name of person bonded, date and amount of bond, and conditions of obligation. Also contains: (Bonds of County Officials), entry 390. Arr. chron. by date of filing. No index. Hdw. on ptd. fm. $9\frac{1}{2}$ x $4\frac{1}{2}$ x $13\frac{1}{2}$. Proth. bsmt. vlt.

Papers and Dockets

119. COMMON PLEAS FILES, 1787--. 250,800 papers in 3,807 f.b. (lettered by court term and case nos.).

All papers filed in cases heard in common pleas court, except liens, showing court term and no. of case, date and character of paper, names of parties and attorneys, official seals and signatures, and disposition of case. Also contains: Appointments, Confirmations, and Approvals, 1898--, entry 75; (Subpoenas, Praecipes, and Trial Lists), 1910--, entry 65; Auditor's Reports (Sheriff's Sales), 1902--, entry 116; Praecipes (Fieri Facias), 1914--, entry 117; Bonds and Oaths, 1902--, entry 118; Equities, 1787-1852, entry 126; Petitions and Schedules of Insolvents, 1836--, entry 130; Miscellaneous Writs and Judgments, 1906--, entry 132; Orphans' Court Legal Adoptions, 1787-1924, entry 246; (Bonds of County Officials), 1902-30, entry 390. Arr. chron. by court term. No index. Hdw., hdw. and typed on ptd. fm. $9\frac{1}{2}$ x $4\frac{1}{2}$ x $13\frac{1}{2}$. 1787-1896, 1,269 f.b., proth. bsmt. vlt.; 1897--, 2,538 f.b., off.

120. CONTINUANCE DOCKET, 1787--. 402 vols. (1-402).

Record of all proceedings in court of common pleas, including admissions of attorneys to the bar. Shows court term and case no., names of parties, attorneys

Prothonotary of the Court of Common Pleas - Papers and Dockets (121-127)

Kinds of suits instituted, dates of filing papers, entries of appearance, withdrawals, writs issued with returns made, court rulings, transcript of records, costs and fees, judgments entered and satisfied, and liens obtained. Also contains: Appearance Docket, 1883--, entry 122; Auditors' Report Docket, 1927--, entry 162; Adoption Docket 1787-1924, entry 247. Arr. chron. by term of court. For index see entries 103, 106, 121. Hdw. and typed. Aver. 800 pp. 18 x 13 x 3. Off.

121. CONTINUANCE DOCKET INDEX, 1787--. 104 vols. (dated and labeled 1-25, chronologically and sub-divided into separate alphabetical vols. for each no., labeled, in turn, A-Z by contained letters of alphabet).
Index to cases recorded in Continuance Docket, showing names of parties, court term, case no., vol. and p. Also contains: Appearance Docket Index, 1883--, entry 123. Arr. alph. by first letter of surname of defendants and plaintiffs, entries made chron. Hdw. Aver. 800 pp. 18 x 13 x 3. Off.

122. APPEARANCE DOCKET, 1795-1882. 205 vols. (labeled by court term). 1883--in Continuance Docket, entry 120.
Record of defendants appearing in court, showing court term and case no., names of parties, amount of bail posted, amount of costs and disposition of case. Arr. chron. by term of court. Hdw. Aver. 200 pp. 13 x 9 x 1. Off.

123. APPEARANCE DOCKET INDEX, 1795-1882. 177 vols. (A-Z by contained letters of alphabet). 1883--in Continuance Docket Index, entry 121.
Index to Appearance Docket, showing names of parties, term of court and case no. and p. Arr. alph. by first letter of surname of plaintiff, entries made chron. Indexed alph. by name of plaintiff. Hdw. Aver. 52 pp. 11 3/4 x 7½ x ½. Off.

124. CONTESTED ELECTIONS, 1897-1917. 125 papers in 6 f.b.
Papers filed and testimony heard in contested election cases, including petitions, court orders for respondents to answer, respondents' answering affidavit, appointment of examiners, and proceedings of trial. Arr. chron. by date of filing. No index. Typed and hdw. Condition fair. 10½ x 4½ x 15. Clk. of ct. bsmt. vlt.

125. ARBITRATION DOCKET, 1806--. 17 vols.
Record of cases settled by arbitration, showing names of parties and arbitrators, court term and case no., date when rule to choose arbitrators was entered, and date and place of meeting as fixed by prothonotary. Arr. chron. by court term. No index. Hdw., 1806-36, 1840--; hdw. on ptd. fm., 1836-39. Aver. 400 pp. 15 x 11 x 2½. Off.

126. EQUITIES, 1854--. 48,000 papers in 209 f.b. (labeled by court term). 1787-1853 in Common Pleas Files, entry 119.
Original papers in equity cases such as bills of complaint, answers, and decrees, showing court term and case no., names of parties, date of filing, names of attorneys, cause of actions, prayers for relief, answers, signatures of parties, names and seals of notoraries public, decrees of court, date, and signature of judge. Arr. chron. by term of court. No index. Hdw., hdw. on ptd. fm., and typed. 10 x 5 x 13½. 1853-89, 30 f.b., proth. bsmt. vlt.; 1890--, 179 f.b., off.

127. EQUITY DOCKET, 1853--. 13 vols. (1-12, 2 vols. no. 1).

Prothonotary of the Court of Common Pleas - Partition (128-134)

Record of proceedings in equity, showing names of parties, attorneys, court term and case no., date of bill, preliminary objections, amendments, decree and date thereof. Also contains: Partition Docket, 1924--, entry 133. Arr. chron. by term of court. Hdw. Aver. 598 pp. 18 x 13 x 3. Off.

128. EQUITY DOCKET INDEX, 1853--. 3 vols.
Index to Equity Docket, giving names of parties, vol. and p. Also contains: Partition Docket Index, 1924--, entry 134. Arr. alph. by name of plaintiff. Hdw. on ptd. fm. Aver. 700 pp. 18 x 13 x 3. Off.

129. LUNACY, DIVORCE, AND INJUNCTION INDEX, 1883--. 2 vols.
Index to cases of persons adjudged insane or habitual drunkards, restrained by injunction, and granted decrees in divorce, showing name of person, court term and case no., dates of adjudication, grant of injunction and final decree, and vol. and p. of Equity Docket, entry 127. Arr. alph. by first letter of surname of person, entries made chron. Indexed alph. by name of person. Hdw. Aver. 400 pp. 15 x 11½ x 2½. Off.

130. PETITIONS AND SCHEDULES OF INSOLVENTS, 1807-97. 1,700 papers in 8 f.b. 1898-- in Common Pleas Files, entry 119.
Voluntary petitions in insolvency, giving name of petitioner, reason for petition, date filed, with schedules of assets and liabilities, showing court term and no., names of parties, amounts due, nature or character of debt, signature of debtor, and names of witnesses. Not arr. No index. Hdw. 9½ x 4½ x 13½. Proth. bsmt. vlt.

131. COURT MEMORANDUM, 1877--. 3 vols. Title varies: Judgment and Verdict, 1877-97, 1 vol.
Note of papers received by prothonotary, showing date received, date of entry, court term, and case no., name of parties, nature of case, and where recorded. Arr. chron. by date of entry. No index. Hdw. Aver. 300 pp. 9 x 15 x 2. Off.

132. MISCELLANEOUS WRITS AND JUDGMENTS, 1804-1905. 12,000 papers in 29 f.b. 1906-- in Common Pleas Files, entry 119.
Original writs of scire facias, capias ad satisfaciendum and replevin, and summons in assumpsit, showing names of parties, attorneys, court term and case no., date of instrument, and disposition of case. Also contains: Praecipes (Fieri Facias), entry 117. Arr. chron. by term of court. No index. Hdw. on ptd. fm. 9½ x 4½ x 13½. Proth. bsmt. vlt.

Partition
(See also entries 240, 241)

133. PARTITION DOCKET, 1850-1923. 2 vols. 1924-- in Equity Docket, entry 127.
Transcripts of papers filed in partition in common pleas court, giving names of claimants and attorneys, court term and case no., description of property, orders of the court, decrees with purchases made pursuant thereto, and docket, vol. and p. Arr. chron. by term of court. Hdw. Aver. 560 pp. 17 x 11½ x 2. Off.

134. PARTITION DOCKET INDEX, 1850-1923. 3 vols. 1924-- in Equity Docket Index, entry 128.
Index to Partition Docket, giving names of parties, vol. and p. Arr. alph. by

Prothonotary of the Court of Common Pleas - Ejectment; Naturalization (135-139)

first letter of surname of plaintiff, entries made chron. Hdw. on ptd. fm. Aver. 200 pp. 16 x 11 x 2. Off.

Ejectment

135. EJECTMENT DOCKET, 1858--. 3 vols. (1-3).
Record of ejectment suits recorded in Continuance Docket, entry 120, showing names of parties, court term and case no., and location of property. Arr. chron. by term of court. Hdw. Aver. 500 pp. 11½ x 16 x 3½. Off.

136. EJECTMENT DOCKET INDEX, 1858--. 1 vol.
Index to Ejectment Docket, showing names of parties, location of property, vol. and p. where description of property is recorded in Continuance Docket, entry 120, and vol. and p. in Ejectment Docket. Arr. alph. under first letter of surname of defendant, entries made chron. Indexed alph. by surname showing given name. Hdw. and typed on ptd. fm. 800 pp. 14 x 18 x 3. Off.

Naturalization
(See also entries 204-208)

137. RECORD OF DECLARATION OF INTENTION, NATURALIZATION SERVICE, UNITED STATES DEPARTMENT OF LABOR, Nov. 1912--. 53 vols. 1787-1906 in Naturalization Files, entry 139.
Original affidavit and declaration of intention to become a citizen, showing date of declaration, name, address, age, and physical description of alien, place and date of birth, last foreign residence, ports of emigration and entry, name of vessel, date of arrival, marital status, oath of allegiance, signatures of declarant and prothonotary, and seal of deputy. Also contains: Alien Files, Declarations, entry 204. Arr. chron. by date of declaration. Indexed alph. by first letter of surname of declarant. For separate index, see entry 140. Hdw. on ptd. fm. Aver. 500 pp. 11½ x 9½ x 2. Off.

138. PETITION AND RECORD, NATURALIZATION SERVICE, UNITED STATES DEPARTMENT OF LABOR, Nov. 1912--. 82 vols. (1-82). 1787-1906 in Naturalization Files, entry 139.
Record of petitions for citizenship, certificates of arrival, and triplicate copy of declaration of intention. Petitions show serial no., address of alien, occupation, place and date of birth, race, marital status, name, date and place of birth of spouse, number, place, and date of birth of children, last foreign address, port of emigration and arrival, record of residence in the United States with signatures of witnesses, names used by alien at time of immigration, change of name, if any, oath of allegiance, signature of petitioner, disposition of case, and no. of certificate of citizenship. Certificate of arrival shows date and no. of certificate, port and date of arrival, manner of arrival, and name of commissioner of naturalization. Copy of declaration of intention shows date of declaration, name and birthplace of alien, and file no. Also contains: Naturalization Docket, entry 208. Arr. chron. by date of petition. For index see entry 140. Typed on ptd. fm. furnished by United States Bureau of Naturalization. Aver. 250 pp. 14 x 11 x 3. Off.

139. NATURALIZATION FILES, 1787-Sept. 1906, Nov. 1912--. 25,000 papers in 109 f.b. Records Oct. 1906-Oct. 1912 are located in

Scranton, where the Naturalization Court sat during that period. Certificates of admission to citizenship, showing petition no., name and address of petitioner, date and place of birth, date of arrival, port of entry, name of ship, names, ages, and dates of birth of wife and children, signatures of applicant and prothonotary and oath of allegiance. Also contains: Record of Declaration of Intention, Naturalization Service, United States Department of Labor, 1787-1906, entry 137, Petition and Record, Naturalization Service, United States Department of Labor, 1787-1906, entry 138, Alien Files, Admissions 1912--, entry 206. Arr. alph. by name of petitioner. Hdw., hdw. on ptd. fm. 10 x 5 x 13½. Off.; 1868, 1 f.b., proth. bsmt. vlt.

1850-1906 record kept concurrently with entries 204,205, but does not cover same cases.

140. INDEX TO NATURALIZATION RECORDS, 1787-Sept. 1906, Nov. 1912--. 4 vols. (A-Z by contained letters of alphabet) and 13 trsb. vols. and 1 trsb. f.b. entitled: Alien Docket, Admissions and Declaration, 1803-85, 6 vols., Alien Docket, Declarations, 1853-1900, 3 vols., Alien Docket, Admissions, 1853-1900, 3 vols., and 1 f.b.; Naturalization Docket, 1900-1906, 1 vol.

Index to all naturalization records, showing name of alien, file no., nativity, and dates of declaration and admission. 1912-- includes record vol. and p. Trsb. vols. although called "dockets" are actually indexes. Arr. alph. by name of alien. Typed on ptd. fm. Vols. aver. 590 pp. 9 x 13 x 2½; f.b. 9½ x 4½ x 13½. Off.

141. DEPOSITIONS, 1930--. 250 papers in 2 f.b.

Petitions of aliens to district director of naturalization that depositions be taken as to petitioners' qualifications for citizenship accompanied by the depositions taken. Petitions show naturalization no., names and addresses of two persons sworn to testify in alien's behalf, their age and occupation, signature and address of alien, initials of naturalization examiner. Depositions show date and place of examination, testimony taken, and signature of naturalization examiner. Arr. num. by naturalization no. No. index. Typed on ptd. fm. 10 x 5 x 13½. Off.

142. FINAL HEARING LIST, 1937--. 50 papers in 1 f.b.

Lists of aliens called for final hearing in re naturalization, showing alien's name and address, and petition no. Also letters from United States Department of Labor, authorizing court to notify petitioners of final hearing. Letters show petition no., date of hearing. Not arr. No. index. Typed. 10 x 5 x 13½. Off.

Appropriations

143. STATE APPROPRIATION DOCKET, 1916--. 1 vol.

Record of appropriations to institutions partly supported by the Commonwealth, showing court term and certificate of lien containing name of deputy Auditor General and prothonotary, copy of act creating appropriation, and the amount thereof, description and location of property owned by institution which by law becomes encumbered by lien in amount of appropriation, averment of ownership of and title in name of institution, acceptance of grant by institution within sixty days of approval of same by governor, order from deputy Auditor

Prothonotary of the Court of Common Pleas - Dependents and Delinquents; Conditional Sales; Fictitious Names (144-148)

General to prothonotary to record lien in favor of Commonwealth, and date of filing. Arr. chron. by date of filing. No index. Typed. 184 pp. 18 x 13 x ½. Off.

Dependents and Delinquents
(See also entries 198, 199, 278)

144. REPORT OF THE BOARD OF VISITATION FOR INSTITUTIONS CARING FOR DEPENDENT, NEGLECTED, AND DELINQUENT CHILDREN, 1908-13. 1 vol.
Reports of the special board appointed to visit Pennsylvania institutions, showing location of institution inspected, description of buildings, no. and type of wards, occupations assigned, and educational facilities, statement as to ventilation, sanitation, and lighting conditions, and names of members of the board making survey. Newspaper clippings of the reports pasted in back of book. Arr. chron. by date of survey. No index. Hdw. 350 pp. 18 x 12 x 2. Off.

Conditional Sales
(See also entries 224-227)

145. CONDITIONAL SALES AGREEMENT, 1925--. 20,300 papers in 58 f.b.
Papers in conditional sales, such as agreements and releases. Agreements show names and addresses of buyer and seller, items purchased, cost, conditions of agreement. Releases show names of buyer and seller, date agreement filed with prothonotary, amounts paid to seller, date of release, and notarial seal. Arr. chron. by date of filing. No index. Hdw. and typed on ptd. fm. 10 x 5 x 13½. Off.

146. CONDITIONAL SALES DOCKET, 1925--. 9 vols. (1-9).
Record of conditional sales, showing names and addresses of vendor and vendee, date of contracts, conditions, date and hour filed, file no., unpaid balance, date of renewal and date of expiration. Arr. chron. by date filed. Indexed by name of vendor. Hdw. on ptd. fm. Aver. 500 pp. 18 x 13 x 3. Off.

Fictitious Names

147. FICTITIOUS NAMES, PETITIONS, 1917--. 7 f.b.
Petitions to conduct business under assumed name, showing names and addresses of all parties owning business, trade name, type of business, vol. and p. where recorded in entry 148, business address, name of agent through whom business will be conducted, signatures of all parties interested and affidavit, with signature of affiant and notarial seal. Arr. chron. by date filed. No index. Typed on ptd. fm. 10 x 5 x 13½. Off.

148. FICTITIOUS NAMES IN BUSINESS, 1917--. 4 vols. (1-4).
Record of persons conducting business under a fictitious name, showing names and addresses of parties owning business, trade name, nature and location of business, name of agent, if any, through whom business will be conducted, affidavit with signatures of affiant, prothonotary and notarial seal. Arr. chron. by date of entry. Indexed by fictitious name. Hdw. on ptd. fm. Aver. 504 pp. 18 x 13½ x 2½. Off.

Licenses
(See also entries 209-212, 281, 282, 364-372)

149. MEDICAL REGISTER, 1881--. 4 vols. (1-3, 2 vols. no. 1).
Register of physicians and surgeons, showing name, address, birthplace, record of education and training, degrees awarded, date of issuance of license, place of practice, and date of affidavit before prothonotary. Arr. chron. by date of entry. Indexed alph. by name of doctor. Hdw. Aver. 300 pp. 16 x 11 x 2. Off.

150. DENTAL REGISTER, 1853--. 2 vols.
Register of dentists, showing name, residence, birthplace, record of education and training, degrees awarded, date of issuance of license, date of affidavit before prothonotary. Arr. chron. by date of entry. Indexed alph. by name of dentist. Hdw. Aver. 300 pp. 14 x 10 x 2. Off.

151. OSTEOPATHIC REGISTER, 1910--. 1 vol.
Register of osteopaths, showing name and address, birthplace, record of education and training, degrees granted, no. of license granted by State Board of Medical Education and Licensure, and attestation by prothonotary. Arr. chron. by date of entry. Indexed alph. by name of osteopath. Hdw. on ptd. fm. 200 pp. $16\frac{1}{2}$ x $11\frac{1}{2}$ x 2. Off.

152. OPTOMETRY REGISTER, 1918--. 1 vol.
Register of optometrists, showing name, residence, date of issuance of certificate, with vol. and p. where recorded by State Board of Optometrical Examiners and attestation by prothonotary with affidavit no. and signature of optometrist. Arr. num. by affidavit. no. Indexed alph. by name of optometrist. Hdw. on ptd. fm. 200 pp. 17 x 13 x $1\frac{1}{2}$. Off.

153. MIDWIFE REGISTER, 1913-30. 1 vol. Discontinued as county record; subsequent records kept by State Board of Medical Education and Licensure.
Register of midwives, showing name, address, certificate no., file no. of registry, affidavit of qualification before prothonotary, date of certificate granted by State Board of Medical Education and Licensure. Arr. chron. by date of entry. Indexed alph. by name of midwife. Hdw. on ptd. fm. 200 pp. $16\frac{1}{2}$ x $12\frac{1}{2}$ x $1\frac{1}{2}$. Off.

154. VETERINARY MEDICAL REGISTER, 1889--. 1 vol. Last entry 1922.
Register of veterinarians, showing the name, residence, birthplace, schools attended, dates of attendance, degrees awarded, date of issuance of license, place of practice, and date of affidavit before prothonotary. Arr. chron. by date of entry. Indexed alph. by name of veterinarian. Hdw. 300 pp.
$16\frac{1}{2}$ x $12\frac{1}{2}$ x $1\frac{1}{2}$. Off.

155. AUTO REGISTRY, LUZERNE COUNTY, 1903-5. 1 vol. Discontinued.
Record of automobiles registered, consisting of stub from which certificate of registration is taken, showing name and address of owner, name of manufacturer, manufacturer's and registration nos., date, and signature of prothonotary. Arr. chron. by date of entry. Indexed alph. by name of owner. Hdw. on ptd. fm. 247 pp. 6 x 12 x $1\frac{1}{2}$. Off.

Prothonotary of the Court of Common Pleas - Accounts; Fiduciaries' Accounts (156-162)

Accounts
(See also entry 416)

156. LEDGER, 1913-14, 1926--. 10 vols.
Daily record of cash receipts, showing source, amount received, and service rendered. Arr. chron. by date of entry. No index. Hdw. Aver. 472 pp. 14 x 19 x 2. 1913-14, 1 vol., proth. bsmt. vlt.; 1926--, 9 vols., off.

157. PROTHONOTARY'S FEE BOOK, 1877--. 61 vols.
Monthly record of fees received in prothonotary's office, chargeable to county and state, showing date, court term and case no., type of service, and amount of fees received. Arr. chron. by date of receipt. No index. Hdw. on ptd. fm. Aver. 250 pp. 18 x 13 x 2. Off.

158. TRIAL LIST DEPOSIT LEDGER, 1880-82, 1928--. 2 vols.
Account book of money paid into court, showing name of person making payment, names of parties involved, date, amount, and disposition by court order. Arr. chron. by date of entry. Indexed alph. by name of depositor. Hdw. Aver. 120 pp. 13 x 8 x 3/4. Off.

159. COST DOCKET OFFICE 190, LUZERNE COUNTY, 1910-13. 1 vol.
Discontinued.
Record of filing fees paid by attorneys, and a record of money returned to attorneys who have paid same into court, showing date and amount received, court term and case no., amount paid out, name of payee, and reason for payment. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. 200 pp. 18 x 12 x 1. Proth. bsmt. vlt.

160. LEDGER (Lawyers' Accounts), 1890-97. 1 vol. Discontinued.
Record of moneys due prothonotary from lawyers who have a charge account for prothonotary's fees, showing date, name of attorney, names of parties, court term and case no., amount and total of credits and debits. Arr. chron. by date of entry of accounts. Indexed alph. by name of attorney. Hdw. 373 pp. 12 x 8 x 1. Off.

Fiduciaries' Accounts
(See also entries 229-231)

161. ACCOUNTS DOCKETS, 1882-1924. 2 vols. Discontinued.
Record of accounts filed by executors, trustees, and guardians of estates involved in civil actions, also controller's and lunacy committee reports, showing date filed, names of parties and committees, value of estate, receipts, expenditures, and balance, and date approved by court. Arr. chron. by date of recording. No index. Hdw. Aver. 508 pp. 16 x 12½ x 2½. Off.

162. AUDITORS' REPORT DOCKET, 1841-1926. 6 vols. (1-6). 1927--
in Continuance Docket, entry 120.
Reports of auditors to common pleas court on closed banks, estates involved in litigation, bankruptcy and lunacy proceedings, showing court term and case no., names of parties, claims allowed, court orders and rules, financial statement, name of auditor, amount of fee, and confirmation of report by the court. Arr.

Prothonotary of the Court of Common Pleas - Receipts for Papers; Miscellaneous (163-169)

chron. by date of entry. 1841-49, indexed alph. by name of estate, etc.; for index 1850-1926, see entry 163. Hdw. Aver. 700 pp. 18½ x 12½ x 3. Off.

163. AUDITORS' REPORT DOCKET INDEX, 1850-1926. 1 vol.
Index to Auditors' Report Docket, showing name of estate, bank, or bankrupt, vol. and p. Arr. alph. by first letter of surname of party, entries made chron. Hdw. 500 pp. 15 x 12 x 3. Off.

Receipts for Papers

164. RECEIPT BOOK, 1845-77. 2 vols. Discontinued.
Record of court papers borrowed from and returned to the prothonotary, giving names of parties, court term and case no., paper taken, dates taken and returned, and signature of borrower. Arr. chron. by date of entry. No index. Hdw. Aver. 150 pp. 13 x 13½ x 1. Off.

165. RECEIPT FOR PAMPHLET LAWS, 1895-97. 1 vol. Discontinued.
Record of distribution of pamphlet laws, showing name, position, and address, of official receiving laws, and name of person delivering same. Arr. alph. by name of municipalities, entries made chron. No index. Hdw. 125 pp. 8½ x 5 x 1. Off.

Miscellaneous

166. SEARCH ORDERS, 1910--. 2,300 papers in 2 f.b. and 10 bdl.
Requests by sheriff, attorneys, and individuals, for search of prothonotary's files for specified information, giving name of person requesting search, and information given. Arr. chron. by date of search order. No index. Hdw., typed, and hdw. and typed on ptd. fm. F.b. 10 x 5 x 13½; bdl. 9 x 4½ x 5. 1910-35, 10 bdl., proth. bsmt. vlt.; 1922--, 2 f.b., off.

167. MISCELLANEOUS RECORDS, 1921--. 1 vol.
Lists of new trials, trials without jury, and current motions made, showing names of parties, court term and case no., and p. where recorded in Minute Book, entry 107. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. 250 pp. 12 x 9 x 1½. Off.

168. INSPECTION REPORTS (Grand Army of the Republic), 1882-83.
450 papers in 1 f.b.
Reports to prothonotary by assistant inspector, Grand Army of the Republic, Department of Pennsylvania on condition of various G.A.R. posts, giving number of members, post no., uniforms and equipment, statement of financial condition of each post, date of report, and signature of inspector. Arr. by no. of post. No index. Hdw. on ptd. fm. 9½ x 4½ x 13½. Proth. bsmt. vlt.

169. MT. LOOKOUT COAL CO., 1913-14. 5 vols.
Record of litigation involving the Mt. Lookout Coal Co., giving names of parties, attorneys, nature of complaint, date filed, date of trial, court term and case no., testimony taken, names of judges and disposition of case. Arr. chron. by date of entry. No index. Hdw., typed, and ptd. Aver. 450 pp. 8 x 13½ x 3. Proth. bsmt. vlt.

(Next entry 170, p. 92)

V. CLERK OF COURTS OF QUARTER SESSIONS AND OYER AND TERMINER

The office of clerk of courts was brought to America by colonists from England (1). Under the Duke of York's laws provisions were made for a sessions court having both criminal and civil jurisdiction, and a clerk was appointed to keep the records of the business of this court in English (2). This provision established the basis for the keeping of court records in Pennsylvania. With the establishment of separate courts having criminal and civil jurisdiction and the development of the judicial system, the burden of keeping the records of each court was delegated to the clerk of courts and the prothonotary respectively (3) (see Prothonotary of the Court of Common Pleas and Governmental Organization and Records System).

At the time of the erection of Luzerne County in 1786 the office of clerk of courts of quarter sessions and oyer and terminer was combined with the office of prothonotary and clerk of orphans' court (4). This combination of offices was recognized by the Act of 1839 (5) and continued until 1849 when the office of prothonotary was separated from that of clerk of courts of quarter sessions and oyer and terminer and clerk of orphans' court (6). In 1874 a separate orphans' court was established in Luzerne County (7) and the office of clerk of orphans' court was separated from that of clerk of courts of quarter sessions and oyer and terminer and combined with that of register of wills (8).

The clerk of the courts of quarter sessions and oyer and terminer was an appointive officer until the Constitution of 1838 provided that he be elected for a term of three years (9). His tenure remained the same under the Constitution of 1874 but was increased to four years by amendment of 1909 (10). Before assuming office, the clerk must take an oath of office and give a bond (11). He receives a salary, office space, and supplies from the county. His office is on the first floor of the courthouse.

1- Sir Frederick Pollock and Frederic William Maitland, A History of English Law before the Time of Edward I, Cambridge, 1895, I, 184. 2- G.E. Howard, An Introduction to the Local Constitutional History of the United States, Baltimore, 1889, I, 370. 3- Lawrence Lewis, Jr., "The Courts of Pennsylvania in the Seventeenth Century", Pennsylvania Magazine of History and Biography, Philadelphia, 1881; W.H. Loyd, Early Courts of Pennsylvania, Boston, 1910, p. 24. 4- Stewart Pearce, Annals of Luzerne County, Philadelphia, 1866, p. 240. 5- 1839 PL 559 s 1. 6- 1849 PL 581 s 4. 7- 1874 PL 206 s 3, 4 rep. 1917 PL 363 s 24 reen. in s 1 (b). 8- 1874 PL 206 s 5; 1887 PL 22 s 1; 1897 PL 35 s 1; 1909 PL 431 s 1; 1915 PL 41 s 1; 1917 PL 363 s 8 (a); 1921 PL 1108 s 1; 1923 PL 317 s 1; 1927 PL 717 s 1; 1929 PL 1278 s 221, 222; 1929 PL 1633 s 1. All these acts were rep. 1931 PL 401 s 26 but reen. in s 231. 1933 PL 950 s 1. 9- Const. of 1838, Art. VI s 3. 10- Const., Art. XIV s 2. 10- Const., Art. XIV s 2 as am. 1909. 11- 1834 PL 333 s 76; 1929 PL 1278 s 53, 225.

Clerk of Courts of Quarter Sessions and Oyer and Terminer

(Next entry 170, p. 92)

The highly varied duties of the clerk, some prescribed by statute and some developed as a matter of custom, may be divided into two main groups. Primarily, he is the clerk of criminal courts, but he must also perform duties relative to the miscellaneous civil jurisdiction vested in the court of quarter sessions.

As Clerk of the Criminal Courts

The clerk prepares and keeps the trial lists, affixes the seal of the court to processes and exemplifications of records, and signs awards and decrees of court; in general, he keeps all papers filed in court proceedings (12). He has the power to administer oaths in conducting the business of his office (13).

The clerk issues to the sheriff and commissioners, writs commanding them to impanel, and the sheriff to summon the juries (14). A list of persons drawn for jury service is filed with him (15). In trials without a jury the written decision of the court is filed with the clerk, who notifies the parties (16).

Except in cases where the defendant is charged with treason or homicide, the clerk is authorized to take bail and approve bonds, if the judges are unable to attend to these duties (17). Also, he accepts bonds filed in appeals (18), and forwards to the appellate court a record of all appeals taken (19).

The clerk must forward to the Secretary of the Commonwealth an annual detailed statement of the criminal business of the court (20); to the Secretary of Revenue the names of all offenders against the Motor Vehicle Code (21); to the Governor a copy of the record in cases where there has been a death sentence (22). He must forward monthly to the wardens of the state penitentiaries a list of all convicts committed on the indeterminate plan (23). He must furnish a record of the trial to the officer in charge of a criminal sentenced to the Pennsylvania Industrial Reformatory at Huntingdon (24); notify the superintendent of the State Industrial Home for Women at Muncy of sentences to the home, and furnish a record of the cases to the agent sent for the prisoners (25). The reports of the prison commissioners are filed with the clerk (26), who must also keep a record of transferred prisoners (27), and of all executions of criminals (28).

The court of quarter sessions sits as a juvenile court in Luzerne County,

12- 1834 PL 333 s 45-77. 13- 1834 PL 333 s 77; 1859 PL 1[illegible] s 1 rep. except as to first class counties, 1929 PL 1278 s 1051 but reen. in s 226. 14- 1834 PL 333 s 108. 15- 1925 PL 244 s 5 am. 1929 PL 495 s 1 further am. 1937 PL 2782 s 3. 16- 1874 PL 109 s 2; 1935 PL 640 s 1. 17- 1877 PL 3 s 1. 18- 1897 PL 67 s 5. 19- Ibid., s 2. 20- 1847 PL 172 s 2. 21- 1929 PL 905 s 614; 1931 PL 751 s 2; 1935 PL 331 s 1. 22- 1860 PL 382 s 75; 1913 PL 528 s 2; 1925 PL 759 s 1. 23- 1909 PL 495 s 7; 1911 PL 1055 s 7, partially supp. 1913 PL 532 s 1. 24- 1887 PL 63 s 8. 25- 1913 PL 1311 s 18. 26- 1868 PL 917 s 2 art. I. 27- 1923 PL 1044 s 5. 28- 1913 PL 528 s 6.

Clerk of Courts of Quarter Sessions and Oyer and Terminer

(Next entry 170, p. 92)

and the clerk must keep separate records of the proceedings in juvenile cases (29).

Civil Duties

The clerk has the power to take acknowledgments of deeds (30). For many years he had duties relating to elections (31), which were taken over by the county board of elections in 1937 (32) (see County Board of Elections). Under the act of 1937 the court of quarter sessions still has some jurisdiction over matters pertaining to elections and the papers in such proceedings will be found among the records of the clerk.

The clerk is required to file papers and record matters pertaining to proceedings in the construction and improvement of roads and bridges (33).

In Luzerne County, petitions for the appointment of viewers to appraise damages caused by lumbermen passing over unimproved lands in the course of their business, are filed with the clerk (34).

He certifies to the Department of Highways and the Secretary of Internal Affairs the establishment of all new townships (35) and boroughs (36). Commissions appointed to alter any county line, deposit copies of their reports with the clerk, who, upon confirmation by the court, certifies one of the copies and transmits it to the Secretary of Internal Affairs (37).

Applications for detective licenses (38), bolter and baker brand marks (39), and bonds of wholesale liquor dealers (40), peddlers (41), constables (42), and tax collectors (43) are filed with the clerk, who also issues stallion licenses following the filing of their pedigrees (44), grants licenses to hawkers and peddlers of clocks and tinwares (45) and at the close of each term, transmits to the Auditor General a list of persons to whom peddler's licenses have been

29- 1901 PL 279 s 3 rep. 1903 PL 274 s 12 but reen. in s 1. 1903 rep. 1933 PL 1433 s 28 but reen. in s 1-3. 30- 1775, 1 Sm L 422 s 1; 1893 PL 108 s 1. 31- 1717, II St. at L. 175 s 1 (obsolete); 1799, 3 Sm L 340 s 13 rep. 1839 PL 519 s 174; 1840 PL 688 s 9; 1906 PL 78 s 6 rep. 1937 PL 1333 s 1901. 32- 1937 PL 1333. 33- 1699 Charter and Laws of Pennsylvania, reen. 1700, II St. at L. 68; 1700, 1 Dall 16; 1802, 3 Sm L 512 s 22; 1836 PL 551 am. 1907 PL 523 s 1; 1895 PL 336 s 1 am. 1905 PL 290 s 1 am. 1909 PL 527 s 1, sup. 1911 PL 244 s 1 am. 1919 PL 918 s 1 rep. 1929 PL 1278 s 1051 but reen. in s 751, 871, 893; 1909 PL 142 s 2; 1923 PL 498 s 201; 1927 PL 137 s 1; 1929 PL 1278 s 752; 1931 PL 401 s 1. 34- 1871 PL 868 s 1, 2, extended to Luzerne County 1873 PL 634. 35- 1925 PL 359 No. 211 s 1 rep. as to first class townships 1931 PL 1206 s 3501 but reen. in s 208, 216, 235, rep. as to second class townships 1933 PL 103 s 2101 but reen. in s 211, 226, 240, and am. 1937 PL 2798 s 211. 36- 1925 PL 359 No. 211 s 1 rep. as to boroughs by 1927 PL 519 s 3301 but reen. in s 210. 37- 1876 PL 143 s 4. 38- 1887 PL 173 s 2. 39- 1724, IV St. at L. 3 s 1. 40- 1891 PL 257 s 8; 1901 PL 124 s 2. 41- 1784, 2 Sm L 99; 1799, 3 Sm L 359; 1830 PL 147 s 1. 42- 1834 PL 537 s 112. 43- 1885 PL 187 s 3 am. 1909 PL 474 s 1 rep. as to townships 1917 PL 840 s 1500 and as to boroughs 1927 PL 519 s 3301. 44- 1893 PL 37 s 1. 45- 1830 PL 39 s 2.

(Next entry 170, p. 92)

granted by the court of quarter sessions (46).

Before the advent of prohibition, liquor licenses were granted by the court of quarter sessions, and copies of these licenses are found among the records of the clerk. Since the repeal of prohibition, all matters pertaining to the issuance of liquor licenses are under the supervision of the State Liquor Control Board (47).

Prior to 1906, by virtue of the first uniform naturalization law passed by Congress in 1790, the courts of quarter sessions and oyer and terminer and common pleas had jurisdiction over the naturalization of aliens (48). The comprehensive naturalization law of 1906, which provided for uniform processes and records over the nation, gave exclusive jurisdiction to naturalize aliens to the following specified courts: United States District Courts in the States and Territories, the Supreme Court and also all courts of record in any state or territory having a seal, a clerk, and jurisdiction in actions at law and equity in which the amount in controversy is unlimited . . . (49). Under this law the practice arose, in Luzerne County, of confessing naturalization proceedings to the Federal District Court in Scranton. In 1912 the jurisdiction to naturalize aliens was transferred to the court of common pleas. Records of naturalization proceedings prior to 1906 are found among the records of the clerk.

The receipts and expenditures of poor districts (50), reports of auditors of every borough, township, and poor district (51), and the reports of collectors of county, municipal, school, and poor district taxes (52) are among the records of the clerk (53).

The clerk, like other county officials, is required to keep records of the business of his office. He must keep account of all fees received in his office (54), which account is scrutinized by the controller from time to time (see Controller). Also it is his duty to make a monthly return and pay into the State Treasury through the Department of Revenue all moneys received for the use of the Commonwealth (55). All fines and recognizances forfeited for the use of the Commonwealth are estreated by the clerk to the Department of

46- 1830 PL 147 s 1. 47- 1834 PL 117 s 8 rep. 1933 PL 853 s 601; 1891 PL 257 s 3, 7; 1897 PL 297 s 2 rep. 1933 PL 252 s 33. 1933 Sp. Sess. PL 15 s 1; 1935 PL 1246 s 1. 48- 1790, 1 Stat. L. 103 Chap. 3. 49- 1906, 34 Stat. L. 596 Chap. 3592 s 3; 1911, 36 Stat. L. 1167 Chap. 231 s 239; 1913, 37 Stat. L. 737 Chap. 141 s 3. 50- 1909 PL 392 s 2 rep. as to boroughs 1915 PL 312 Chap. XIII art. 1 s 1; as to townships 1917 PL 840 s 1500; as to poor districts 1937 PL 2017 s 702. 51- 1911 PL 865 s 2; 1913 PL 254 s 3 rep. as to boroughs 1915 PL 312 Chap. XIII art. 1 s 1; as to townships 1917 PL 840 s 1500; as to poor districts 1937 PL 2017 s 702. 52- 1937 PL 2797 s 1. 53- 1927 PL 519 s 1037; 1931 PL 386 s 8. 54- 1868 PL 3 s 8 par. 7; 1901 PL 175 s 1. By 1810, 5 Sm L 105 these accounts had to be forwarded to the Auditor General. This act was rep. as to counties with a population of 150,000 or over 1876 PL 13 s 1. 55- 1893 PL 125 s 1; 1929 PL 343 s 901; 1931 PL 318 s 1.

Clerk of Courts of Quarter Sessions and Oyer and Terminer - Bonds (170-174)

Revenue (56).

In addition to the records which are specifically required, the clerk of courts of quarter sessions and oyer and terminer has kept other records as a matter of practice and expediency. The records are delivered to his successor (57).

Bonds
(See also entries 71, 119, 390)

170. TAX COLLECTOR'S BONDS, 1896--. 1,300 papers in 12 f.b.
Bonds posted by tax collectors, showing court term and no., names of tax collector and surety, amount and date of bond, conditions of obligation, signatures of principal, surety, and witnesses. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 11½ x 5 x 15. Off.

171. TAX COLLECTOR'S LEDGER (Bonds), 1899--. 6 vols. Title varies: Tax Collector's Register, 1899-1901, 1 vol.; Tax Collector Bonds, 1902-17, 2 vols.
Transcripts of tax collectors' bonds, showing names of tax collector, surety, and district, date and amount of bond, term of office, conditions of obligation, and signatures of collector, surety, and witnesses. Arr. chron. by date of record. Indexed alph. by first letter of name of district. Hdw. on ptd. fm. Aver. 600 pp. 18 x 13 x 2½. 1899-1917, 3 vols., clk. of cts. bsmt. vlt.; 1918--, 3 vols., off.

172. COUNTY PRISON OFFICIAL BONDS, 1899-1914. 110 bonds in 1 f.b. 1931-- in (Bonds of County Officials), entry 390.
Bonds posted by county prison officials, showing name of official, title and location of office, amount and date of bond, name and address of surety, conditions of obligation, bond no., dates filed and approved by court with court term and case no., term of office and signatures of witnesses, official, and surety. Arr. chron. by term of court and num. by bond no. No index. Hdw. on ptd. fm. 11½ x 5 x 15. Off.

173. CONSTABLE BONDS, 1924--. 300 records in 3 f.b. Prior records discarded.
Bonds posted by constables, showing names of principal and surety, amount and date of bond, conditions of obligation, and signatures of attestation. Arr. chron. by date of bond. No index. Hdw. on ptd. fm. 11½ x 5 x 15. Off. safe.

174. RECOGNIZANCE (Bonds), 1892-1932. 4,200 records in 9 f.b. 1933-- in Quarter Sessions Files, entry 183.
Bonds posted by defendants for appearance at next term of court, showing court term and case no., name, address, and occupation of defendant, location of property offered as surety, vol. and p. of Deed Book, entry 47, name and address

56- 1783, 2 Sm L 84 s 5; 1810 PL 273, 7 Sm L 120 s 1; 1935 PL 1002 No. 319 s 1. 57- 1834 PL 333 s 76.

Clerk of Courts of Quarter Sessions and Oyer and Terminer - Trial and Argument Lists; Minutes; Papers and Dockets, Civil (175-179)

of bondsman, conditions of obligation, charges, name and address of prosecutor, and signatures of attestation. Arr. chron. by court term and no. No index. Hdw. on ptd. fm. 12 x 5 x 15. 1892-1900 and some for 1901-6, 2 f.b., clk. of cts. bsmt. vlt.; some for 1901-6 and 1907-32, 7 f.b., off.

175. MISCELLANEOUS BONDS, 1892 --. 600 bonds in 4 f.b.
Bonds posted by court order guaranteeing appearance in court, payments in non-support cases, and payment of costs and fees, showing names of defendant and surety, date and amount of bond, conditions of obligation, court term and no. of case, signatures of defendant, surety and witnesses. Arr. chron. by date of filing. No index. Hdw. on ptd., fm. 11½ x 5 x 15. Off.

Trial and Argument Lists
(See also entries 80-85, 167, 183, 217)

176. (TRIAL DOCKET), 1881-84. 1 volv.
Record of cases tried in court of quarter sessions, showing date, names of parties, nature of case, court term and case no., amount of bail, and brief resume of case. Arr. chron. by date of court session. No index. Hdw. on ptd. fm. 200 pp. 15 x 11 x 2. Janitor's bsmt. strm.

Minutes
(See also entries 86, 218)

177. MINUTE BOOK (Court of Quarter Sessions), 1857-62, 1865-77, 1880--. 64 vols. (1857-85, 12 vols., dated; 1886-1913, 24 vols., C-%; 1914--, vols. 1-28). Title varies: Docket, 1859-62, 1 vol.
Minutes of proceedings in court of quarter sessions, showing date of opening of court, names of judges, court officers, and defendant, case no., date of hearing, resume of the case, disposition, lists of jurors, grand jury reports, and trial lists of ensuing sessions. Arr. chron, by term of court. No index, Hdw., 1837-1920, 42 vols.; typed, 1921--, 22 vols. Aver. 600 pp. 16½ x 12 x 2½. 1857-Apr. 1920, 43 vols., clk, of cts. bsmt. vlt.; May 1920--, 21 vols., off.

Papers and Dockets, Civil

178. INCORPORATION OF BOROUGHS, 1855-76, 25 records in 1 f.b. 1877- in Quarter Sessions Files, entry 183.
All papers in proceedings in incorporation of boroughs including maps and sketches of proposed boroughs, showing modification of borough lines, applications for borough charter, affidavit of advertisement of hearings; papers show court term and no., date and character of paper, names of interested parties, and official seals and signatures. No index. Hdw. Condition fair. 10½ x 4½ x 15. Clk. of cts. bsmt. vlt.

179. DIVISION OF TOWNSHIPS AND BOROUGHS, 1870-75. 40 papers in 1 f.b. 1876-- in Quarter Sessions Files, entry 183.
Petitions to quarter sessions court for division of townships and boroughs into new election districts, to determine township boundary lines, and to change polling places, showing date of petition, court term and case no. name of

Clerk of Courts of Quarter Sessions and Oyer and Terminer - Papers and Dockets, Criminal (180-183)

municipality, signatures of petitioners, reasons for petition, and date filed. Arr. chron. by date filed. No index. Hdw. Condition fair. $10\frac{1}{2}$ x $4\frac{1}{2}$ x 15. Clk. of cts. bsmt. vlt.

180. AUDITORS' REPORTS, 1875-82, 1903--. 1,000 records in 36 f.b. Title varies: Indebtedness of Townships, Boroughs, and School Districts, 1875-82, 2 f.b. 1883-1902 in Quarter Sessions Files, entry 183.

Auditors' statements of resources and liabilities of boroughs and townships, showing court term and case no., date of filing, name of municipality, assessed valuation of property, receipts, expenditures, amount of taxes collected, deductions allowed, amount of delinquent taxes, with affidavits of certification by auditors and supervisors. Arr. chron. by date filed. No index. Hdw. on ptd. fm., and ptd. $11\frac{1}{2}$ x 5 x 15. 1875-82, 2 f.b., clk. of cts. bsmt. vlt.; 1903--, 34 f.b., off.

181. INDEBTEDNESS OF BOROUGHS AND TOWNSHIPS, 1877--. 13 vols. (1-13). Record of indebtedness of municipalities, showing court term and case no., name of municipality, assessed valuation of property, receipts, expenditures, bond issues to be floated, purpose, and signatures and affidavits of municipal officials. Arr. chron. by term of court. Indexed alph. by first letter of name of municipality. Hdw., 1877-1900, typed, 1901--. Aver. 500 pp. 16 x 12 x 4. Off.

182. MISCELLANEOUS FILES (Quarter Sessions Court), 1845-97. 600 papers in 7 f.b.

Miscellaneous collection of petitions and court orders filed with clerk of courts, such as petitions for appointment or removal of officials, for commitment to institutions for insane, for construction of bridges, court orders for new trial and fixing terms of court. Arr. approximately by subjects, but poorly sorted. No index. Hdw., and hdw. on ptd. fm. Condition fair. $10\frac{1}{2}$ x $4\frac{1}{2}$ x 15. Clk. of cts. bsmt. vlt.

Papers and Dockets, Criminal

183. QUARTER SESSIONS FILES, 1788--. 152,000 papers in 881 f.b. (labeled by court term and case no.).

All papers filed in courts of quarter sessions and oyer and terminer, including trial lists, petitions, writs, indictments, justices' and aldermen's transcripts, prison commissioners' annual reports, appointments of constables, and election officers, appeals, jury lists, showing names of parties, court term and case no., date and character of paper, names of attorneys and witnesses, disposition of case, and signature of judge. Also contains: Recognizance (Bonds), 1933--, entry 174; Incorporation of Boroughs, 1877--, entry 178; Division of Townships and Boroughs, 1876--, entry 179; Auditors' Reports, 1883-1902; entry 180; Grand Jury Reports, 1883--, entry 184; Capias and Attachments, 1906--, entry 187; Superior Court (Appealed Cases), 1923--, entry 188; Constable Returns, 1934--, entry 192; Road Files, 1891--, entry 200; Bridge Reports, Refused, 1907--, entry 201; Inquests, 1788-1902, entry 283. Arr. chron. by court term and case no. No index. Hdw., typed, ptd., and hdw. and typed on ptd. fm. Early records, condition poor. $10\frac{1}{2}$ x $4\frac{1}{2}$ x 15. 1788-1906, 337 f.b., clk. of

Clerk of Courts of Quarter Sessions and
Oyer and Terminer - Papers and Dockets, Criminal

cts. bsmt. vlt.; 1907--, 544 f.b., off.

184. GRAND JURY REPORTS, 1850-82. 150 papers in 1 f.b. 1883-- in Quarter Sessions Files, entry 183.
Grand jury reports, showing court term and case no., dates of meeting, report and names of jurors. Arr. chron. by date of report. No index. Hdw. Condition fair. 10½ x 4½ x 15. Clk. of cts. bsmt. vlt.

185. QUARTER SESSIONS DOCKET, 1787--. 136 vols. (1787-1849, 13 vols. not labeled; 1850--, 1-123).
Record of all proceedings of court of quarter sessions, showing court term and case no., caption of case, names of attorneys, date and character of papers filed, court rules and orders, date and disposition of case, also costs of case and by whom paid. Arr. chron. by term of court and case no. Indexed alph. by first letter of surname of defendant or municipality. Hdw., 1787-1899, 50 vols.; typed, 1900--, 86 vols. Aver. 525 pp. 15½ x 11½ x 2½. 1787-1800, 1 vol., off. safe; 1801-97, 12 vols., not labeled and vols. 1-35, clk. of cts. bsmt. vlt.; 1898--, vols. 36-123, off.

186. OYER AND TERMINER DOCKET, 1793--. 10 vols. (1793-99, 1 vol. not labeled; 1800--, 9 vols., 1-9).
Record of criminal cases tried in court of oyer and terminer, showing name of defendant, court term and case no., names of judges, charges, defendant's plea, verdict, and disposition of case. Arr. chron. by term of court and case no. Indexed alph. by name of defendant. Hdw. Aver. 350 pp. 14½ x 10 3/4 x 1 3/4. 1793-1917, 1 vol. not labeled and vols. 1-6, clk. of cts. bsmt. vlt.; 1918--, vols. 7-9, off.

187. CAPIAS AND ATTACHMENTS, 1887-1905. 500 papers in 1 f.b. 1906-- in Quarter Sessions Files, entry 183.
Original writs of capias non omittas and attachments. Writs of capias non omittas are issued by order of district attorney, showing name and address of defendant, court term and case no., date of issue, and signatures of clerk of court and district attorney. Attachments show court term and case no., name and address of defendant, charges, date issued and by whom. Arr. chron. by date filed. No index. Hdw., and hdw. on ptd. fm. Condition fair. 10½ x 4½ x 15. Clk. of cts. bsmt. vlt.

188. SUPERIOR COURT (Appealed Cases), 1895-1922. 75 records in 5 f.b. 1923-- in Quarter Sessions Files, entry 183.
Original papers filed in appeals to the Superior Court, such as remittiturs, writs of certiorari, briefs of appellant and appellee, transcripts of notes of testimony, and upper court orders showing reasons for appeal, names of parties, court term and case no., names of attorneys and judges. Arr. chron. by date filed. No index. Typed. 11½ x 5 x 15. Off.

189. TESTIMONY TAKEN, 1904-20. 380 records in 32 cartons.
Carbon copies of transcripts of notes of testimony, showing names of parties, witnesses, attorneys, and judges, and dates of trial. Not arr. No index. Typed. 13 x 9 x 1. Clk. of cts. bsmt. vlt.

Clerk of Courts of Quarter Sessions and Oyer and Terminer - Juveniles (190-195)

190. NOTEBOOKS, STENOGRAPHIC (Quarter Sessions Court), 1894-1932. 3,350 vols. (labeled by court term and case no.).
Stenographic records of proceedings of quarter sessions court. Arr. chron. by term of court. No index. Hdw. in shorthand. Aver. 200 pp. 10 x 5½ x ½. Clk. of cts. bsmt. vlt.

191. EXTRACTS, 1853-62. 1 vol.
Extracts from proceedings of quarter sessions court, showing court term and case no., date, names of parties, prosecutor and witnesses, charges, costs, and fees, and disposition of case. Arr. chron. by term of court. No index. Hdw. Condition fair. 475 pp. 15 x 9½ x 2¼. Janitor's bsmt. strm.

192. CONSTABLE RETURNS, 1929-33. 3,700 papers in 21 bdl. 1934-- in Quarter Sessions Files, entry 183.
Quarterly reports on law violations and condition of roads and bridges made by constables to quarter sessions court, showing date of report, name of municipality, items reported, and signature of constable. Arr. alph. by name of municipality and num. by wards. No index. Hdw. on ptd. fm. Condition fair. 9 x 4 x 4. Clk. of cts. bsmt. vlt.

Juveniles
(See also entries 278, 297, 298, 308-310, 322-324, 328)

193. DISCHARGED PRISONERS (Juvenile), 1891--. 450 papers in 2 f.b.
Papers in the parole and discharge of juvenile defendants from state and county reformatories. Discharges show court term and no. of case, date, name of defendant, and signatures of judge and clerk of courts. Parole orders issued by the superintendent of reformatory show name and no. of prisoner, date of admission, court in which sentenced, date and term of sentence, date of parole, statements of moral instructor and physician of reformatory, signatures of superintendent and trustees of institution. Arr. chron. by date of discharge. No index. Hdw. on ptd. fm. 11½ x 5 x 15. Off.

194. RECORD (Juvenile Court Cases), 1901--. 44 vols. (1, 1-43), and 1 trsb. vol., 1908-12, vol. 2. Title varies: Juvenile Court Docket, 1901-7, 1 vol.
Record of court proceedings in juvenile cases, showing court term and no. of case, name, age, residence of defendant, names of parents or guardian, nationality and creed, occupation and income, school attended, names of teachers and witnesses, dates of summons, hearing, disposition of case with date of commitment, institution to which committed, and name of probation officer. Vol. 2, 1908-12 has been transcribed and renumbered vol. 1. Arr. chron. by court term. 1901-7 and 1 trsb. vol., 1908-12, indexed alph. by name of defendant. For separate index 1908--, see entry 195. Hdw. Vols. aver. 275 pp 12 x 8 x 1½. 1901-7, vol. 1, and 1 trsb. vol., 1908-12, clk. of cts. bsmt. vlt.; 1908--, vols. 1-43, off. of secty. to the judges.

195. INDEX TO JUVENILE COURT DOCKET, 1908--. 2 vols.
Index to Record (Juvenile Court Cases), showing name of defendant, vol. and p. Arr. alph. by first letter of surname of defendant, entries made chron. Hdw. Aver. 150 pp. 12 x 8½ x 1½. Off. to secty. to the judges.

Clerk of Courts of Quarter Sessions and Oyer and Terminer - Dependents; Roads and Bridges (196-200)

196. HOUSE OF REFUGE COMMITMENTS, 1921--. 2,150 papers in 5 f.b. Commitments to institutions for incorrigibles, showing date of commitment, name and address of defendant, court term, case no., charges, and signature of judge. Contains: (Commitments to Kis-Lyn Industrial School), 1921-30, entry 197. Arr. chron. by date of commitment. No index. Typed on ptd. fm. 11½ x 5 x 15. Off.

197. (COMMITMENTS TO KIS-LYN INDUSTRIAL SCHOOL), 1921--. In House of Refuge Commitments, entry 196.
Commitments to Kis-Lyn Industrial School, showing date of commitment, name and address of juvenile delinquent, court term, case no., charges, sentence, and signature of judge.

Dependents
(See also entry 144)

198. CRIPPLED CHILDREN'S AID, 1930--. 350 papers in 1 f.b.
Petitions to court for commitment of crippled poor children to institutions, showing name, age, address, and description of child; term of court; names and ages of parents, dates of births of other members of family, amount of rent paid monthly, occupation and wages of head of household or guardian, history, diagnosis, recommendation, proposed treatment, probable cost, term of treatment, name of institution recommended, signature and title of officer of institution. Also court order showing term of court and date set for hearing on petition, signatures of parents consenting to petition; order of commitment, showing date and term of court, with name of child, institution to which committed, date of commitment, and name of judge. Arr. chron. by date of filing. No index. Typed. 11½ x 5 x 15. Off.

199. CRIPPLED CHILDREN'S DOCKET (Quarter Sessions Court), 1930--. 1 vol.
Record of court orders on applications filed by Crippled Children's Association for commitment to institutions, showing court term and case no., date and order no., name and address of child, reasons for commitment, signature of judge issuing order, and date application was ordered filed. Arr. chron. by date of entry. Indexed alph. by first letter of surname of child, entries made chron. Hdw. 500 pp. 18 x 13 x 2½. Off.

Roads and Bridges
(See also entries 501-504)

200. ROAD FILES, 1788-1890. 9,500 papers in 40 f.b. (dated and labeled I-M). 1891-- in Quarter Sessions Files, entry 183.
Original papers filed in road cases, including petitions to appoint board of view, reports of viewers, statements of assessed damages, appeals, condemnation proceedings; papers show court term and case no., names of petitioners and attorneys, board of view, witnesses, location and description of proposed road and abating date, character of paper, vol. and p. of Road Docket, entry 202, and date of confirmation; usually accompanied by maps. Arr. chron. by term of court. No index. Hdw. on ptd. fm. 10½ x 4½ x 15. Off.

Clerk of Courts of Quarter Sessions and Oyer and Terminer - Naturalization (201-206)

201. BRIDGE REPORTS, REFUSED, 1894-1906. 900 records in 1 f.b. 1907-- in Quarter Sessions Files, entry 183.
Rejected petitions of municipalities for bridges, showing date of filing, court term and no., location of bridge, reasons for petition, cost of construction, assessed valuation of property in petitioning municipality, amount of debt, names of petitioners and attorneys. Arr. chron. by date of filing. No index. Hdw. on ptd. fm. Condition fair. 10½ x 5 x 15. Clk. of cts. bsmt. vlt.

202. ROAD DOCKET, 1787--. 26 vols. (1787-1909, A-T; 1910--, U-X).
Transcript of petitions for roads and bridges with plan of road or bridge, showing names of petitioning taxpayers, court term and case no., name of municipality, location and description, request for appointment of board of view, date of affidavit, disposition of petition with date and name of judge; also a record of grants made allotting property for road and condemnation proceedings. Arr. chron. by term of court. Indexed alph. by first letter of name of municipality. For separate index 1800-1860, see entry 203. Hdw., 1787-1909, vols. A-T; typed, 1910--, vols. U-X. Aver. 500 pp. 18 x 12 x 3. Off.

203. ROAD DOCKET INDEX, 1800-1860. 1 vol.
Index to Road Dockets, showing name of township, court term and case no., description of petition filed, vol. and p. Arr. alph. by first letter of name of municipality, entries made chron. Hdw. 520 pp. 16 x 11½ x 2. Off.

Naturalization
(See also entries 137-142)

204. ALIEN FILES, DECLARATIONS, 1850-1906. 2,500 papers in 11 f.b. Nov. 1912-- in Record of Declaration of Intention, Naturalization Service, United States Department of Labor, entry 137.
Original declaration of alien's intention to become naturalized, showing date and no. of declaration, place and date of birth, date and port of entry, signature of alien and name of judge. Arr. alph. by first letter of surname of alien and num. by file no. Hdw. on ptd. fm. 11½ x 5 x 15. Off.
Record kept concurrently with entry 139, but does not cover same cases.

205. ALIEN DOCKET, DECLARATIONS (Index), 1850-1906. 2 vols.
Index to Alien Files, Declarations, showing name and nativity of alien, court term, date of declaration, and file no. Arr. alph. by first letter of surname of alien and num. by file no. Hdw. on ptd. fm. Aver. 200 pp. 12 x 15 x 3. Off.

206. ALIEN FILES, ADMISSIONS, 1850-1906. 3,700 papers in 48 f.b. Nov. 1912-- in Naturalization Files, entry 139.
Certificates of admission to citizenship, showing date of admission, name, address, date and place of birth, and age of alien, date and port of entry, and signature of witnesses, alien, attorney, and issuing officer. Arr. alph. by first letter of surname of alien and num. by file no. For index 1850-June 1897, see entry 207; 1897-1906, no index. Hdw. 11½ x 5 x 15. Off.
Record kept concurrently with entry 139, but does not cover same cases.

Clerk of Courts of Quarter Sessions and Oyer and Terminer - Licenses and Registration; Elections (207-213)

207. ALIEN DOCKET, ADMISSIONS, (Index), 1850-June 1897. 2 vols.
Index to Alien Files, Admissions, showing court term, file no., date, name and nativity of alien, and note of acceptance or refusal. Arr. alph. by first letter of surname of alien and num. by file no. Hdw. on ptd. fm. Aver. 300 pp. 14 x 16 x 3. Off.

208. NATURALIZATION DOCKET, 1897-1906. 1 vol. 1912-- in Petition and Record, Naturalization Service, United States Department of Labor, entry 138.
Record of aliens' admission to citizenship, showing court term, file no., date, name, and nativity of alien, and note of acceptance or refusal. Arr. chron. by date of entry. Indexed alph. by first letter of surname of alien, entries made num. by file no. Hdw. on ptd. fm. 300 pp. 14 x 16 x 3. Off.

Licenses and Registration
(See also entries 149-155, 281, 282, 364-372)

209. PETITIONS FOR LICENSES, 1875-80. 1 vol.
Record of petitions filed for licenses, showing name of attorney, name and address of applicant, type of license, date of filing petition and amount paid. Arr. chron. by date of petition. Indexed alph. by first letter of surname of applicant. Hdw. 100 pp. 12 x 7½ x ⅝. Clk. of cts. bsmt. vlt.

210. LICENSES, 1870-89, 1902-6, 1920-21. 3 vols.
Record of hotel and restaurant licenses issued, showing names of petitioner, municipality, type of license, date of filing, court ruling, dates of granting and issuing license. Arr. alph. by name of municipality. No index. Hdw. Condition fair. Aver. 250 pp. 14 x 9½ x 2. Clk. of cts. bsmt. vlt.

211. LIQUOR LICENSE TRANSFERS, 1914-22. 1 vol.
Record of proceedings in liquor license transfers, showing names of applicant and attorney, dates of filing and hearing, current license holder, place of business, disposition by court and date. Arr. chron. by date of filing. No index. Hdw. 300 pp. 18 x 12 x 2. Clk. of cts. bsmt. vlt.

212. STALLION REGISTER, 1893-1907. 1 vol.
List of registered stallions, showing date, registration no., names of stallion and owner, description, type, date foaled, pedigree, terms of service, date of registration, signature of veterinarian, date and no. of certificate. Arr. chron. by date of registration. Indexed alph. by first letter of surname of owner. Hdw. on ptd. fm. 300 pp. 16 x 11 x 2. Clk. of cts. bsmt. vlt.

Elections
(See also entries 430-441)

213. PETITIONS FOR APPOINTMENT OF ELECTION OVERSEERS, 1930-31. 400 papers in 2 bdl. (A-N; O-Z), and 2 f.b. (dated).
Refused petitions to court for appointment of overseers of elections, showing dates of petition and election, name of petitioner, party affiliation, signatures of sponsors, and date of rejection. Arr. chron. by election date and alph. by name of political sub-division. No index. Hdw. and typed on ptd. fm.

Clerk of Courts of Quarter Sessions and Oyer and Terminer - Accounts (214-216)

Bdl., 9 x 4 x 2; f.b., 10½ x 5 x 15. Clk. of cts. bsmt. vlt.

214. APPOINTMENT OF ELECTION OFFICERS, 1921-31. 1 vol. Discontinued. Record of appointment of election officers by quarter sessions court, showing date of election, no. and name of appointee, political affiliation, name of municipality and political sub-division. Arr. alph. by name of municipality. No index. Hdw. on ptd. fm. 450 pp. 18 x 12 x 3. Clk. of cts. bsmt. vlt.

Accounts
(See also entry 415)

215. FEE BOOK, COURT OF QUARTER SESSIONS, 1925--. 2 vols. Monthly record of fees and moneys earned and collected by clerk of courts, and fees chargeable to the county, showing court term, and case no., service rendered, name of payor, fines collected, total amount paid treasurer. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. Aver. 500 pp. 18 x 13 x 2½. Off.

216. FILE RECEIPT BOOK, 1873-1908. 4 vols. Discontinued. Record of court files borrowed by attorneys and others and returned to clerk of courts, showing date borrowed, name of defendant, court term and case no., signatures of borrowers, and acknowledgment with date returned. Arr. chron. by date of borrowing. Indexed by first letter of surname of defendant. Hdw., 1873-85; hdw. on ptd. fm., 1886-1908. Aver. 200 pp. 17 x 12½ x 1½. Clk. of cts. bsmt. vlt.

(Next entry 217, p. 106)

VI. REGISTER OF WILLS AND CLERK OF ORPHANS' COURT

The Duke of York's laws contained provisions for the care of the property of decedents. All cases of probate and administration were adjudged in the courts of sessions. Under William Penn it was provided in the Laws Agreed Upon in England, that there should be a register for births, marriages, burials, wills, and letters of administration. A Register General was appointed for the province in 1682 who kept office in Philadelphia (1). The Act of 1705 defined the duties of the Register General who was to be appointed by the Governor (2). The Register General appointed deputies who gave bonds, which were recorded in the orphans' court (3), the jurisdiction of which had been established in 1683 (4) (see Governmental Organization and Records System).

The Constitution of 1776 provided that a register's office for the probate of wills and granting of letters of administration be kept in each county, the officers to be appointed by the General Assembly (5). An act of 1777, recognizing this constitutional provision provided that registers of wills be appointed for each county and that the office of Register General be abolished (6).

The Constitution of 1790 (7) vested the appointment of registers in the Governor, but the office was made elective for a term of three years by the Constitution of 1838 (8).

In 1834 provision was made that a clerk be commissioned for each orphans' court (9). By the Constitution of 1838 this office was made elective for a term of three years (10).

By the Act of 1839 the office of register of wills was combined with that of recorder of deeds, and the offices of prothonotary, and clerk of courts of quarter sessions and oyer and terminer were combined with that of clerk of orphans' court (11). Pursuant to the Act of 1853, the office of register of wills was separated from that of the recorder of deeds (12). Prior to 1874, the orphans' court was composed of the judges of the court of common pleas. In 1874, in accordance with the provisions of the Constitution of 1874 (13), a separate orphans' court was established in Luzerne County (14), and the office of clerk of orphans' court was severed from the office of clerk of courts of quarter sessions and oyer and terminer to be combined with that of register of

1- William H. Loyd, Early Courts of Pennsylvania, Boston, 1910, pp. 214-217; Samuel Hood, Practical Treatise on the Law Relating to Registers of Courts, etc., Philadelphia, 1847, p. 37. 2- 1705, 1 Sm L 33 s 8 rep. 1917 PL 415 s 26. 3- Loyd, p. 220. 4- John H. Martin, Bench and Bar of Philadelphia, Philadelphia, 1883, p. 70. For further development of orphans' court in Pennsylvania see Loyd, pp. 212-240, and Hood, pp. 100-105. 5- s 34. 5- Loyd, p. 234. 7- Art. V s 11. 8- Art. VI s 3. 9- Hood, p. 105. 10- Art. VI s 3. 11- 1839 PL 559 s 1. 12- 1853 PL 698 s 2. 13- Const., Art. V s 22. 14- 1874 PL 206 s 3, 4 rep. 1917 PL 363 s 24 but reen. in s 1 (b).

wills (15). By amendment to the Constitution in 1909 the term of office of the register of wills and clerk of orphans' court was extended to four years (16).

In Luzerne County, the register of wills is also clerk of the orphans' court. His most important duties as register of wills are the probating of wills and granting of letters testamentary and of administration; he also must record documents relating to the settlement of estates, and collect inheritance taxes as an agent of the Commonwealth. In his capacity as clerk of the orphans' court, his major functions consist of recording all papers relating to the proceedings in that court, attending sessions thereof, and issuing marriage licenses.

The register of wills and clerk of orphans' court is paid a salary, and is furnished with an office and all necessary supplies by the county. His office is on the second floor of the courthouse.

As Register of Wills

Before assuming office, the register of wills must take an oath of office (17), and give a bond (18), which is recorded by the recorder of deeds and transmitted to the Secretary of the Commonwealth for safekeeping (19).

The register has jurisdiction over the probate of wills (20), the granting of letters testamentary and of administration (21), and the passing and filing of the accounts of fiduciaries (22). He also has the power to administer oaths (23).

Upon granting letters he must take a bond from all administrators (24), and from executors not residents of the Commonwealth (25). Exceptions can be filed to such bonds and the register determines whether they should be allowed (26).

Where a caveat is entered against the probate of a will, or there is a dispute as to the granting of letters, the orphans' court may direct the register to certify the whole record to the court (27). In such proceedings a bond for the payment of costs must be filed with the register (28), who determines the amount of the costs and by whom they shall be paid (29).

The register may issue a citation to anyone in possession of a testamentary

15- 1874 PL 206 s 5; 1887 PL 22 s 1; 1897 PL 35 s 1; 1909 PL 431 s 1; 1915 PL 41 s 1; 1917 PL 363 s 8 (a); 1921 PL 1108 s 1; 1923 PL 317 s 1; 1927 PL 717 s 1; 1929 PL 1278 s 221, 222; 1929 PL 1633 s 1. All these acts were rep. 1931 PL 401 s 26 but reen. in s 231. 1933 PL 950 s 1. 16- Const., Art. XIV s 2 as am. 1909. 17- Const., Art. VII s 1; 1917 PL 415 s 1 (a); 1929 PL 1278 s 53. 18- 1929 PL 1278 s 232. 19- 1917 PL 415 s 1 (b) (2). 20- 1832 PL 135 s 5 rep. 1917 PL 415 s 26 but reen. in s 3. 21- 1917 PL 447 s 2 (a). 22- 1917 PL 415 s 3. 23- 1917 PL 447 s 7 (a). 24- Ibid., s 8 (a). 25- Ibid., s 8 (c). 26- Ibid., s 8 (f). 27- 1917 PL 363 s 2½ (d) added 1937 PL 2665; 1917 PL 415 s 18, 19. 28- 1917 PL 415 s 20 (b). 29- Ibid., s 20 (c).

writing, requiring its production for probate. If the person served refuses to comply, the register must forward a record of the proceedings to the orphans' court (30). He may also issue citations to persons interested in the estate of a presumed decedent, to show cause why an alleged will should not be probated (31). In probate proceedings the register has the power to subpoena witnesses, and issue attachments to compel appearance (32); to issue rules, and to take depositions of witnesses outside the county (33).

Probated wills are recorded (34) and accounts of fiduciaries (35) are filed by the register, who transmits the accounts to the orphans' court and notifies all parties (36). Certified copies of probate proceedings may be obtained from him (37) and filed with the register of any other county in which the decedent owned real estate (38).

The register formerly kept a minute book in which he entered the papers that had been filed and a record of the collateral inheritance taxes paid on each estate (39). The register must keep a book containing all information pertinent to the administration of decedents' estates (40), and must file affidavits of death (41).

As Collector of Inheritance Taxes

The register is the agent of the Commonwealth for the collection of taxes from decedents' estates, and in this capacity must give a bond (42). He must make all reports; forward all duplicate receipts issued to fiduciaries, and make monthly returns to the Department of Revenue, paying the taxes collected into the State Treasury (43).

Before 1927 the register appointed appraisers to appraise estates subject to transfer inheritance taxes. The Auditor General now has supervision over such appraisements (44) (see State Inheritance Tax Office). The register, however, still records returns of the appraisers, and transmits a monthly statement thereof to the Department of Revenue (45).

A fiduciary in possession of property subject to inheritance tax, must file an inventory with the register. If the inventory is not filed within a specified time, the register cites the fiduciary to do so. He applies to the orphans' court to enforce payment of taxes remaining unpaid for one year after the death of a decedent. In securing information in the appraisement of estates or the collection of taxes, the register has the power to issue subpoenas to compel the production of evidence; to issue attachments to compel appearance

30- Ibid., s 8. 31- 1917 PL 447 s 6 (e). 32- 1917 PL 415 s 9. 33- Ibid., s 10. 34- 1917 PL 415 s 11. 35- 1917 PL 447 s 46 (a). 36- 1832 PL 135 s 30 rep. 1917 PL 447 s 63 but reen. in s 46 (d). 37- 1917 PL 415 s 14. 38- Ibid., s 15. 39- 1856 PL 458 s 4 rep. 1917 PL 415 s 26. 40- 1844 PL 527 s 2; 1859 PL 31. 41- 1874 PL 194 rep. 1917 PL 447 s 63 but reen. in s 2 (d). 42- 1919 PL 521 s 21. 43- 1929 PL 343 s 608. 44- 1919 PL 521 s 10, 12, supp. 1927 PL 727. 45- 1919 PL 521 s 14; 1923 PL 1078 s 2 as am. 1929 PL 343 s 724.

of witnesses, and to administer oaths (46). He must record and index all inventories and appraisements (47). Owners of real estate inherited from a resident decedent must make a return to the register within one year from the death of the decedent and give security for the payment of the tax (48).

The register formerly kept records of marriages, births, and deaths, together with general indexes to these records in separate books. These duties have been taken over by the State Bureau of Vital Statistics (49).

As Clerk of Orphans' Court

Before the register of wills can assume his duties as clerk of the orphans' court, he must give a bond and take an oath of office (50).

Custody of the records and seal of the orphans' court is vested in the clerk (51), who performs all the duties pertaining to his office under the direction of the court (52). He also has the power to administer oaths (53).

He must record in dockets all court proceedings, accounts of fiduciaries and reports of auditors appointed by the court (54). In Luzerne County these general records are kept in the Continuance Docket and Miscellaneous Docket. The accounts of fiduciaries are entered by the clerk in the Accounts Docket, and the audits of these accounts are transcribed into the Orphans' Court Distribution Docket (55).

Elections to take real estate in lieu of legacies (56), and agreements for the division of realty devised in trust (57), and petitions for the partition of a decedent's real estate (58) are filed with the clerk, who keeps a Partition Docket (59) and Index (60).

The orphans' court has jurisdiction over adoptions and the records of such proceedings are kept in the Adoption Docket (61).

The clerk issues marriage licenses (62), and must keep a Marriage License Docket (63). The application for license, together with the license, its duplicate, and the certificate of marriage are recorded by the clerk (64). When the clerk refuses to grant a license, he certifies the proceedings to the orphans'

46- 1919 PL 521 s 15; 1923 PL 1078 s 3. 47- 1917 PL 415 s 13. 48- 1919 PL 521 s 3. 49- 1852 PL 2 as am. 1907 PL 422 s 1 and supp. 1915 PL 900 s 1; 1923 PL 498 s 201; 1927 PL 207 s 3. 50- 1929 PL 1278 s 53, 225. 51- 1834 PL 333 s 56 rep. 1917 PL 363 s 24 but reen. in s 8 (b) (1). 52- 1917 PL 363 s 8 (b) (1). 53- 1929 PL 1278 s 226. 54- 1850 PL 569 s 18; 1917 PL 363 s 8 (b) (2); 1917 PL 447 s 59 (h), 59 (j) (1); Rules of the Courts of Luzerne County, Pennsylvania, Wilkes-Barre, 1926, p. 69. 55- Court Rules, p. 69. 56- 1917 PL 447 s 32 (a). 57- 1923 PL 846 s 2, 8. 58- 1917 PL 337 s 2; 1927 PL 449 s 1. 59- 1889 PL 23 s 1 rep. 1917 PL 337 s 45 but reen. in s 41; Court Rules, p. 69. 60- 1917 PL 337 s 39 (a), 42. 61- 1925 PL 127 s 1 am. 1929 PL 822 s 1; Court Rules, p. 69. 62- 1835 PL 146 s 1; 1909 PL 446 s 1. 63- 1885 PL 146 s 2. 64- 1885 PL 146 s 1; 1893 PL 27 s 1; 1895 PL 202 s 1; 1913 PL 1013 s 1; 1935 PL 152 s 1.

court and notifies the applicants (65). When a minor applying for a license has no parent or guardian to give consent and the judge of the orphans' court is not accessible, the clerk may appoint a guardian (66). Part of the marriage license fee is for the use of the state, and the clerk transmits it monthly to the State Treasurer through the Department of Revenue (67).

By rule of the orphans' court, the clerk also keeps an Orphans' Court Argument List, a Minute Book and an Index to Devisees, Heirs, Legatees, Purchasers, Trustees, Etc. (68).

In some instances the duties of the register of wills are not clearly separated from those of the clerk of orphans' court. Either the clerk or register gives written notice to interested parties of the filing of fiduciaries' accounts (69). Executors and administrators must file with the register or clerk a statement in duplicate of the items in their possession which may be subject to a personal property tax; he must then send a copy to the Department of Revenue (70). Letters will not be issued to a foreign corporation, unless it files with the register or clerk an appointment of a resident upon whom process may be served (71).

The register of wills and clerk of the orphans' court must make a monthly return and pay into the State Treasury through the Department of Revenue all moneys received for the use of the Commonwealth (72). Like other county officials he is required to keep records of the business of his office, and must keep account of all fees received (73), which account is scrutinized by the controller from time to time (see Controller). He must deliver up the books, seals, records, and other writings of the office to his successor (74).

In counties such as Luzerne, where the orphans' court is a separate court of record, it has control of the mode of keeping of indexes by the clerk of orphans' court and register of wills (75), and all orders and directions of the court by virtue of this power must be entered in full on its records (76).

65- 1913 PL 1013 s 4. 66- 1885 PL 146 s 3; 1903 PL 80 s 1; 1905 PL 58 s 1; 1915 PL 636 s 1. 67- 1925 PL 494 s 1; 1929 PL 343 s 612. 68- Court Rules, p. 69. 69- 1917 PL 447 s 46 (c). 70- 1935 PL 414 s 11. 71- 1917 PL 447 s 57 (a). 72- 1857 PL 559 s 79; 1893 PL 125 s 1; 1929 PL 343 s 901; 1931 PL 318 s 1. 73- 1868 PL 3 s 8 par. 7 as am. 1901 PL 175 s 1. By 1810, 5 Sm L 105, these accounts had to be forwarded to the Auditor General. This act was rep. as to counties with a population of 150,000 or over by 1876 PL 13. 74- 1917 PL 415 s 1 (b) (1). 75- 1891 PL 129 s 5; 1929 PL 776 s 1. 76- 1891 PL 129 s 6.

Register of Wills and Clerk of Orphans' Court - Argument Lists; Minutes; Inventories and Appraisements (217-221)

Argument Lists
(See also entries 80-85, 167, 176, 183)

217. ORPHANS' COURT ARGUMENT LIST, 1880--. 4 vols. (2-5). Title varies: Orphans' Court Argument Docket, 1880-1900, 1 vol.
Record of arguments heard in orphans' court in connection with estates of decedents, showing court term and case no., names of decedent and attorneys, date exception was filed and reason for argument. Arr. chron. by term of court. No index. Hdw. Aver. 500 pp. 16 x 9 x 1½. Off. vlt.

Minutes
(See also entries 86, 177)

218. MINUTE BOOK, 1866-71, 1875--. 24 vols.
Minutes of sessions of orphans' court, showing court term and case no., date and time of meeting, names of judge and parties involved, and business transacted. Arr. chron. by court term. 1866-71, no index; for index 1875--, see entry 243. Hdw. Aver. 550 pp. 20 x 12 x 3. 1866-71, 1 vol., janitor's bsmt. strm.; 1875--, 23 vols., off. vlt.

Inventories and Appraisements

219. INVENTORY, 1786-1889. 4,500 papers in 24 f.b. (A-Z by contained letters of alphabet). 1848-92 in Miscellaneous, entry 240; 1890-- in (Register's File), entry 239.
Original inventory and appraisement, showing court term and case no., names of decedent and appraisers, inventory and valuation of all personal property, name of person requesting appraisal, date and oath of appraisers, date filed, vol. and p. where recorded in Inventory and Appraisement Docket, entry 221, and name and address of attorney. Also contains: (Vendue Lists), entry 226. Arr. alph. by name of decedent. No index. Hdw., and hdw. on ptd. fm. 11½ x 5 x 15. Off. vlt.

220. WIDOW'S APPRAISEMENT, 1875--. 10 vols. (1-10).
Record of appraisements filed by surviving spouse electing to take against the will, showing term of court and case no., names of decedent and surviving spouse, date of appraisal, valuation of all personal property, signatures of appraisers, dates filed and approved. Arr. by court term and case no. For index, see entries 243,244. Hdw. Aver. 300 pp. 18 x 6 x 2. Off. vlt.

221. INVENTORY APPRAISEMENT DOCKET, 1859--. 47 vols. (1-47).
Record of inventories and appraisements filed, showing name and address of decedent and legatees, valuation and summary of property and assets, name of personal representative of estate, date of filing inventory, and affidavit of appraisers and personal representative. Arr. chron. by date of entry. For index see entries 243,244. Hdw. on ptd. fm., 1887-1909, 1915-18, vols. 12-24, 29-31; typed on ptd. fm., 1909-14, vols. 25-28. Aver. 400 pp. 18 x 16 x 2. Off. vlt.

Register of Wills and Clerk of Orphans' Court - Taxation of Estates; Sales (222-226)

Taxation of Estates
(See also entries 261-269)

222. COLLATERAL INHERITANCE DOCKET, 1876-- 1924. 4 vols. (2-5).
Detailed record of inheritance taxes paid on estates, showing court term, case no., name of deceased, location of deed recording, appraised value and personal property, total value, amount subject to tax, amount of tax, date paid, appraiser's fee, date of filing of return, and signature of appraisers. Arr. chron. by return filing date. 1876-93, 1 vol., indexed alph. by first letter of surname of decedent; 1894-1924, 3 vols., no index. Hdw., 1876-1916; typed, 1916-17. Aver. 500 pp. 16 x 11 x 3. Off.

223. INHERITANCE TAX CITATION, 1925--. 125 papers in 1 f.b.
Petitions of register of wills for citations for payment of inheritance tax, showing names of estate, register, and his attorney, court term and case no., name and address of decedent, amount of estate subject to tax, amount of tax imposed, time overdue, penalties, names and addresses of holders of decedent's real estate, date each is to appear in court, signature of attorney and affidavit of register. Also court order issuing citation, showing name of decedent, court term and case no., and signature of judge. Not arr. No index. Typed on ptd. fm. 11½ x 5 x 15. Off.

Sales
(See also entries 145, 146)

224. ADVERTISEMENTS, 1788-1809. 1 vol. Discontinued.
Record of orphans' court orders for sale of property where personalty is insufficient to meet claims against the estate, showing name of decedent, date and no. of court order, location and description of property, date and reason for sale, number of times advertised for sale, name of administrator of estate and signature of clerk of orphans' court. Arr. chron. by date of court order. No index. Hdw. Condition fair. 25 pp. 12 x 8 x ¼. Comms. bsmt. vlt.

225. REAL ESTATE SALES DOCKET, 1891--. 23 vols. (11-33). 1875-90 in Partition Docket, entry 241.
Transcript of petition of executor to sell decedent's real estate at public or private sale for payment of debts, showing name of executor, date appointed, names of decedent and heirs, description and value of real and personal property, portion to be sold, list of decedent's debts with amount and name of creditor, decree of court with name of judge. Arr. chron. by date of recording. For index see entries 243, 244. Hdw., 1875-1907, vols. 1-20; typed, 1908--, vols. 21-33. Aver. 500 pp. 20 x 12 x 3. Off.

226. (VENDUE LISTS), 1788--. 1788-1889 in Inventory, entry 219; 1890-- in (Register's File), entry 239.
Lists of decedents' property sold at public sale, showing court term and case no., name of decedent, date and place of sale, list of real and personal property sold, name of purchaser, signature of administrator, vol. and p. where recorded in Vendue Docket, entry 227, and date filed.

Register of Wills and Clerk of Orphans' Court - Distribution of Estates; Fiduciaries' Accounts (227-231)

227. VENDUE DOCKET, 1859--. 5 vols. (1-5).
Record of decedent's property sold at public sale, showing name of decedent, date and place of sale, amount realized, articles sold, names of purchasers, and list of articles taken by heirs at appraisement. Arr. chron. by date of entry. For index see entries 243, 244. Hdw. Aver. 600 pp. 20 x 12 x 2. Off. vlt.

Distribution of Estates

228. DISTRIBUTION LIST DOCKET (Schedule of Appearances), 1898--. 4 vols. (4-7).
List of cases before court in re audits of estates, showing court term, case and appearance no., names of attorney and decedent, first, partial, or final account, name of person filing account, and date of appearance. Arr. chron. by date of appearance. For index see entries 243, 244. Typed on ptd. fm. Aver. 500 pp. 18 x 12 x 2. Off.

Fiduciaries' Accounts
(See also entries 161-163)

229. ORPHANS' COURT DISTRIBUTION DOCKET, 1876--. 32 vols. (1-32).
Transcripts of audits of first and final accounts of fiduciaries, showing court term and case no., names of decedent, estate and fiduciaries, dates of decedent's death and audit, amount to be distributed, names of heirs and creditors with amount and purpose of claim, total amount of claims, pro rata amounts allowed for claims by court, date and confirmation of audit, dates and signatures of receipt for amounts paid to heirs and creditors, signature of clerk of orphans' court, and date of filing. Arr. chron. by date of entry of original account. For index see entries 243, 244. Hdw., 1876-1908, vols. 1-18; typed, 1909--, vols. 19-32. Aver. 500 pp. 20 x 12 x 3. Off.

230. ACCOUNTS (of Fiduciaries), 1788-1899. 3,700 papers in 34 f.b. 1848-92 also in Miscellaneous, entry 240; 1900-- in (Register's File), entry 239.
Accounts filed by fiduciaries, showing date filed, names of fiduciaries and decedent, amount realized from sale of estate, itemized list of expenses, total expenses, and balance on hand, also affidavit of fiduciary guaranteeing correctness of account with date, name of register of wills, and signatures of fiduciary and register. Arr. alph. by name of estate. No index. Hdw. 11½ x 5 x 15. Off. vlt.

231. ACCOUNT DOCKET, 1850--. 70 vols. (1-7, 1-63). Title varies: Accounts and Reports Docket, 1850-74, vols. 1-7.
Transcripts of first and final accounts filed by fiduciaries, showing name of decedent, court term and case no., name of fiduciary, amount of inventory, itemized list of claims against estate with amount and reason for claim and name of claimant, total amount of claims, and balance left for distribution. Also affidavit of fiduciary guaranteeing correctness of account, showing name of fiduciary, dates sworn and filed, signature of fiduciary, notarial seal, and whether exceptions have been filed. Arr. chron. by date of entry. For index see entries 243, 244. Hdw., 1850-1907, vols. 1-7, 1-25; typed, 1908--, vols. 26-63. Aver. 680 pp. 18 x 2⅛ x 13. Off.

Wills

232. BONDS AND WILLS, 1787-1874. 4,700 papers in 27 f.b. (A-Z by contained letters of alphabet). 1875-- in (Register's File), entry 239.

Original wills and bonds filed by non-resident executives and administrators of intestates. Wills show names of decedent, heirs, and executors, date of will, amounts involved, conditions and terms of will, and signatures and seals of witnesses and decedent. Bonds show names of administrators, surety, and decedent, date and amount of bond, conditions of obligation, signatures of witnesses, surety, and administrator, date of filing, vol. and p. where recorded in Bond Book, entry 235. Arr. alph. by name of decedent. No index. Hdw., and hdw. on ptd. fm. 11½ x 5 x 15. Off.

233. WILL BOOK, 1787--. 63 vols. (A-Z, AA, 28-63).

Transcripts of wills, showing name of deceased, date of death, date and contents of will, names of witnesses, date of granting of letters, and date of probate. Arr. chron. by date of filing. Hdw., 1787-1907, vols. A-Z; AA; typed, 1907--, vols. 28-63. Aver. 600 pp. 20 x 12 x 3. 1821-51, vol. B, janitor's bsmt. strm., 1787-1820, 1852--, 62 vols., off.

234. WILL BOOK INDEX, 1787--. 3 vols. (dated and labeled 1-3).

Alphabetical index to Will Book, giving name of deceased, residence, date of death, no. of will, vol. and p. Typed. Aver. 450 pp. 20 x 12 x 4. Off.

235. BOND BOOK (Administrator's), 1872-78, 1882--. 27 vols. (2, 3, 5-29).

Record of administrators' bonds filed, showing court term, case no., dates of bond and filing, names of administrator and surety, amount and conditions of obligation and signature of register and deputy. For original bonds, see entries 232 and 239. Arr. chron. by court term and case no. For index see entries 243, 244. Hdw. on ptd. fm. Aver. 400 pp. 15 x 12 x 2. 1872-78, 1886-1919, vols. 2, 3, 6-19, off. vlt.; 1882-86, vol. 5, janitor's bsmt. strm., 1919--, vols. 20-29, off.

236. CITATION DOCKET, 1868-1912. 1 vol. 1913-- in Continuance Docket, entry 242.

Record of citations issued, showing date of issue, names of decedent, and party asking for citation, and attorney, reason for citation, names of heirs of estate, date of and answer made to citation, court term and case no., disposition, and costs involved. Arr. chron. by date of entry. For index see entries 243, 244. Hdw. 490 pp. 18 x 12 x 2. Off. vlt.

237. UNDISTRIBUTED FILES , 1863-1917. 400 papers in 3 f.b. Title varies: Unpaid Files, 1875-1917, 1 f.b. 1918-- in (Register's File), entry 239.

Original papers in connection with estates upon which the fee for filing and recording has never been paid, showing name of decedent, court term and case no., names of interested parties, date and character of papers, affidavits, and official seals and signatures. Not arr. No index. Typed, hdw., and hdw. on ptd. fm. 11½ x 5 x 15. Off. vlt.

238. UNFINISHED WILLS (Unsettled Estates), 1855--. 500 papers in 5 f.b.
Title varies: Wills Not Probated, 1856, 1 f.b.
Original wills and papers filed in connection with estates, the settlement of which has been indefinitely postponed. If estate is settled, papers are removed from this file and placed in (Register's File), entry 239. Not arr. No index. Hdw., and hdw. on ptd. fm. 11½ x 5 x 15. Off.

239. (REGISTER'S FILE), 1787--. 52,000 papers in 1,223 f.b. (1787-1874, A-Z by contained letters of alphabet, 1875--, labeled by court term and case no.).
Original papers filed in re settlement of estates, such as petitions for letters of administration, citations, discharge of administrator, distribution, appointment of appraisers, and elections to take against will, report of auditors, exceptions, bonds, and liens filed, release of legacies, widows' appraisement, returns and oaths of appraisers, and court rules, orders, and decrees. Papers show court term and case and estate nos., names of decedent, attorneys, and interested parties, date and character of paper, affidavits, notarial and official seals, signatures, and date filed. Also contains: Inventory, 1890--, entry 219; (Vendue Lists), 1890--, entry 226; Accounts (of Fiduciaries), 1900--, entry 230; Bonds and Wills, 1875--, entry 232; Undistributed Files, 1918--, entry 237. 1787-1874, arr. alph. by name of decedent and chron. by date filed; 1875--, arr. by court term and case no. No index. Hdw., and hdw. on ptd. fm., typed, and typed on ptd. fm. 11½ x 5 x 15. 1787-1920, 759 f.b., off. vlt.; 1920--, 464 f.b., off.

Partition
(See also entries 133, 134)

240. MISCELLANEOUS, 1848-92. 190 papers in 1 f.b.
Miscellaneous original papers filed in connection with settlements of estates, such as petition for citation, citations, court orders of sale, and rules on minor children and guardians. Papers show name of decedent, court term and case no., names of interested parties, date, type and character of instrument, affidavits, officials' seals and signatures, and dates of filing. Also contains: Inventory, entry 219; Accounts (of Fiduciaries), entry 230. Not arr. No index. Hdw., and hdw. on ptd. fm. 11½ x 5 x 15. Off. vlt.

241. PARTITION DOCKET, 1875--. 16 vols. (1-10, 1-6). Title varies: Partition and Sales Docket, 1875-90, vols. 1-10.
Transcript of papers filed in re partition of estates, such as petitions for citation, for appointment of trustee to sell real estate, for inquest in partition, for rule on heirs to accept or refuse real estate value as fixed by jury of inquest, citation for possession of premises and returns of real estate sale by trustee. Transcript of papers show court term and case no., names of decedent, parties concerned, and judge, date and character of petition, description and value of estate, court orders and decrees, and date filed. Also bond filed by person accepting partition ruling, receipt of shares due each legatee with date, names of legatee and witnesses. Also contains: Real Estate Sales Docket, 1875-90, entry 225. Arr. chron. by date of entry. For index see entries 243, 244. Hdw., 1875-1915, vols., 1-10, 1-3; typed, 1915--, vols. 4-6. Aver. 570 pp. 18 x 13 x 3. Off.

Dockets

242. CONTINUANCE DOCKET, 1778--. 50 vols. (dated). Title varies: Orphans' Court Docket, 1778-1874, 11 vols.
Record of all proceedings in settlement of estates, showing no. and name of estate, names and addresses of decedent and attorney, dates of death, probate, and granting of letters, inventories, bonds, accounts, and liens filed, approval of guardian or trustee, date of audit, confirmations nisi and absolute, and title, vol. and p. of docket or book where each paper is recorded. Also contains: Citation Docket, 1913--, entry 236; Miscellaneous Docket, Guardians, 1778-1909, entry 250. Arr. num. by estate no. 1778-1874 indexed alph. by name of decedent. For index 1870-1904, see entry 244; 1875--, see entry 243. Hdw. Aver. 600 pp. 20 x 12 x 3. Off.

243. CONTINUANCE DOCKET INDEX, 1875--. 10 vols. (dated and labeled A-K, L-Z, and 1-8, 2 vols. to each no.).
Alphabetical index to Continuance Docket; Minute Book, entry 218; Widow's Appraisement, entry 220; Inventory Appraisement Docket, entry 221; Real Estate Sales Docket, entry 225; Vendue Docket, entry 227; Distribution List Docket. (Schedule of Appearances), entry 228; Orphans' Court Distribution Docket, entry 229; Account Docket, entry 231; Bond Book (Administrator's) entry 235; Citation Docket, entry 236; Partition Docket, entry 241; Miscellaneous Docket, entry 245; Miscellaneous Docket, Guardians, entry 250. Index shows name and address of decedent, year, and case no. Also contains: Index to Devisees, Heirs, Legatees, Purchasers, Trustees, etc., 1905--, entry 244. Hdw. on ptd. fm. Aver. 400 pp. 19 x 13 x 4. Off.

244. INDEX TO DEVISEES, HEIRS, LEGATEES, PURCHASERS, TRUSTEES, ETC., 1870-1904. 3 vols. (A-H, I-R, S-Z by contained letters of alphabet). 1905-- in Continuance Docket Index, entry 243.
General alphabetical index to all record books in register's office, showing names of devisees, heirs, legatees, purchasers, and trustees, date of death, title of record, vol., p., and case no. Hdw. Aver. 400 pp. 13 x 18 x 2. Off. vlt.

245. MISCELLANEOUS DOCKET, 1875--. 38 vols. (dated and labeled 1-38).
Transcription of miscellaneous papers filed in connection with settlement of estates, such as petitions, election to take real property without concession, petition for allowance, release or appointment of guardian, bonds posted, letters granted, court rules and orders, citations, deeds, powers of attorney, and agreements, showing court term and case no., names of decedent, attorney, and interested parties, date, type and character of papers, affidavits and date filed. Arr. chron. by court term and case no. For indexes see entries 243, 244. Hdw., 1875-1907; typed, 1907--. Aver. 600 pp. 20 x 12 x 3. Off.

Adoption

246. ORPHANS' COURT LEGAL ADOPTIONS, 1925--. 500 papers in 7 f.b. 1787-1924 in Common Pleas Files, entry 119.
Papers filed in adoption proceedings, showing court term and case no., date, name, address, and occupation of guardian, name, age, and sex of ward, names of attorney and judge, affidavit as to responsibility of guardians and reasons for adoption,

and decree of court. Arr. chron. by court term and case no. No index. Typed, and typed on ptd. fm. 11½ x 5 x 15. Off.

247. ADOPTION DOCKET, 1925--. 2 vols. 1787-1924 in Continuance Docket, entry 120.
Record of all proceedings in adoption including a transcription of papers filed, showing case no., name of person adopted, name and address of adopting parents, dates of execution and filing of papers with names of officials attesting same, and date of decree. Arr. num. by case no. Typed. Aver. 600 pp. 18 x 15 x 3½. Off.

248. INDEX TO ADOPTIONS, 1925--. 1 vol.
Index to Adoption Docket, showing name of person adopted, original name, and adopting parents, date of adoption, case no., vol. and p. Arr. alph. by first letter of surname of person adopted. Hdw. on ptd. fm. 450 pp. 18 x 15 x 3. Off.

Appointment of Guardians
(See also entries 161, 162)

249. APPOINTMENT OF GUARDIAN FOR CONSENT OF MARRIAGE, 1925--. 110 papers in 1 f.b.
Petition for appointment of guardian to give consent to marriage of minors, showing court term and case no., minor's name, date and place of birth, names of minor's parents and intended spouse, affidavits and signatures of minor, guardian, and minor's relative, date petition approved by court, and signature of clerk of orphans' court. Not arr. No index. Hdw. 11½ x 5 x 15. Off.

250. MISCELLANEOUS DOCKET, GUARDIANS, 1910--. 6 vols. 1778-1909 in Continuance Docket, entry 242.
Record of proceedings in appointment of guardians for minors, showing court term and case no., name of decedent, name, address, age, and date of birth of minor, name and address of proposed guardian, date appointed by court, amount of bond required, and court's approval of surety, and date of filing petition. Arr. chron. by court term and case no. For index see entry 243. Typed. Aver. 600 pp. 20 x 12 x 3. Off.

Vital Statistics

251. MARRIAGE LICENSE DOCKET, 1885--. 101 vols.
Record of marriages, showing no. and date of application, names of applicants, addresses, color, occupation, marital status, how former marriage was dissolved, name and address of parents with maiden name of mother, health conditions of applicants, and signatures, date of marriage, and name of person officiating. Arr. chron. by no. of application. 1883-1922, 1929--, vols. 1-55, 75-101, indexed alph. by names of parties. For index 1923-28, vols. 56-74, see entries 252, 253. Hdw. on ptd. fm. Aver. 795 pp. 18 x 3 x 4. Off.

252. INDEX TO MARRIAGE LICENSE, 1923-25. 8 vols. (4 vols., females, A-Z; 4 vols., males, A-Z labeled by contained letters of alphabet). Discontinued.
Alphabetical index to Marriage License Docket, showing names of parties, date

of application, date of marriage, name of person performing ceremony. This separate index was continued in Marriage License Dockets Index, entry 253, which in turn was discontinued in favor of the self-contained indexes in each vol. of the dockets. Typed on ptd. fm. Aver. 490 pp. 18 x 13 x 3. Off.

253. MARRIAGE LICENSE DOCKETS INDEX, March 8, 1923-January 19, 1928. 1 vol. Discontinued.

Alphabetical index to Marriage License Docket, showing names of parties, docket vol. and p., and application no. Continues Index to Marriage License, entry 252. This separate index was discontinued in favor of self-contained index in each vol. of the dockets. Hdw. and typed. 360 pp. 18 x 13 x 2. Off.

254. REGISTRATION OF BIRTHS, 1894-1905. 7,000 papers in 23 f.b. Discontinued as a county record; subsequent records kept by State Bureau of Vital Statistics.

Record of births and affidavit filed by assessors, showing names of municipality and assessor, date of return, name, sex, and color of child, date and place of birth, name and address of parents, father's occupation, affidavit of assessor guaranteeing correctness of record, showing date, signatures of assessor and justice of the peace, justice's seal, dates of filing and recording. Arr. alph. by name of municipality and chron. by date filed. No index. Hdw. on ptd. fm. 11½ x 5 x 15. Off. vlt.

255. REGISTER OF BIRTHS, 1894-1905. 10 vols. (A-Z by contained letters of alphabet). Discontinued as a county record, subsequent records kept by State Bureau of Vital Statistics.

Register of births, showing date of record, name of child, sex, color, date, and place of birth, name and address of parents, father's occupation, and date of record. Arr. chron. by date of record. Indexed alph. by name of child. Hdw. on ptd. fm. Aver. 500 pp. 18 x 13 x 3. Off.

256. REGISTRATION OF DEATHS, 1894-1905. 6,200 papers in 23 f.b. Discontinued as county record, subsequent records kept by State Bureau of Vital Statistics.

Record of deaths and affidavit filed by assessors, showing date filed, name of municipality, name, age, sex, color, occupation, and marital status of decedent, dates and places of birth and death, cause of death, duration of illness, date of burial, name and address of parents, affidavit of assessor guaranteeing correctness of record, showing date, signatures of assessor and justice of the peace, justice's seal, dates of filing and recording. Arr. alph. by name of municipality and chron. by date filed. No index. Hdw. on ptd. fm. 11½ x 5 x 15. Off. vlt.

257. REGISTER OF DEATHS, 1893-1905. 5 vols. (A-Z by contained letters of alphabet). Discontinued as a county record; subsequent records kept by State Bureau of Vital Statistics.

Record of deaths, giving date of record, name, color, sex, age, place of birth, name of parents, marital status, occupation, date and place of death, cause and duration of last illness, date and place of interment. Arr. chron. by date of entry. Indexed alph. by name of deceased. Hdw. on ptd. fm. Aver. 540 pp. 18 x 13 x 3. Off.

Accounts
(See also entry 418)

258. REGISTER'S FEE BOOK, 1885--. 13 vols. (1-13).
Account of fees earned, showing names of payer and estate, service rendered, amount of fee and state tax received, and amount of fee due register from county. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. Aver. 500 pp. 13 x 18 x 3. Off. vlt.

259. (MONTHLY REPORTS OF REGISTER), 1924--. 150 reports in 1 f.b. and 15 bdl.
Duplicates of monthly reports to Department of the Auditor General, showing date, amount of inheritance tax collected, name of estate, amounts of other state taxes collected, total collected, deductions, amount of return, and signature of register. Arr. chron. by date of report. No index. Typed and hdw. on ptd. fm. F.b. 10 x 5 x 13; bdl. 10 x 5 x 2. 1924-35, 15 bdl., inheritance tax off.; 1935--, 1 f.b., register's private off.

260. RECEIPT BOOK, ORPHANS' COURT FILES, 1885-1909. 1 vol. Discontinued.
Record of papers returned by attorneys after use for legal purposes, showing date received, name of decedent or estate, no. of papers, name of attorney, and date returned. Arr. alph. by name of estate, entries made chron. No index. Hdw. on ptd. fm. 350 pp. 14 x 9 x 1. Off. vlt.

VII. STATE INHERITANCE TAX OFFICE

Prior to 1927, the register of wills appointed appraisers whenever necessary, to appraise estates subject to transfer inheritance taxes (1) (see Register of Wills and Clerk of Orphans' Court). In 1927 the State Auditor General was given complete supervision over such appraisements, with the power to appoint investigators and appraisers (2). In 1927 the Auditor General appointed permanent appraisers for Luzerne County, thereby creating as a separate office the State Inheritance Tax Office.

In charge of the office, which is under the general supervision of the register of wills, are two clerks and inheritance tax appraisers. The salaries of all employees of this office are fixed by the Auditor General and paid from ingeritance tax collections (3). An office is furnished by the county on the second floor of the courthouse.

The investigators and appraisers of the inheritance tax office investigate deaths, appraise estates, and determine the amount of inheritance tax that is due. They make their returns to the register of wills (4), who is the agent of the Commonwealth for the collection of taxes from decedents' estates, and they also file a copy of their appraisements with the State Secretary of Revenue.

There are no statutory provisions for the keeping of records; their content and form are determined by the fact that they are kept on uniform forms provided by the Auditor General and Secretary of Revenue. All the records are found in the inheritance tax office.

(See also entries 222, 223, 259)

261. COLLATERAL INHERITANCE TAX DOCKET, 1876-1924. 1 vol. (1916-1919: no. 1.).
Short record of collateral inheritance tax payments showing date of filing of return, names of deceased, fiduciary, and appraiser, appraised value of real and personal property, amount subject to tax, amount of tax, date and amount of payment. Arr. chron. by return filing date. Indexed alph. by first letter of surname of deceased. Hdw. on ptd. fm. 49 pp. 20 x 15 x 2.

262. INHERITANCE TAX DOCKET, 1917--. 5 vols. (2-6). Title varies: Direct Inheritance Tax Docket, 1917-19. 1 vol.
Record of inheritance taxes paid on estates showing date of filing of return, names of deceased, fiduciary and appraiser, appraised value of real and personal property, amount subject to tax, amount of tax, date and amount of payment.

1- 1919 PL 521 s 10, 12. 2- 1927 PL 727 s 1, 2. 3- Ibid., s 3. 4- 1919 PL 521 s 14; 1923 PL 1078 s 2 as am. 1929 PL 343 s 724.

Arr. chron. by return filing date. Indexed alph. by first letter of surname of deceased. Hdw. on ptd. fm. Aver. 250 pp. 20 x 15 x 2.

263. APPRAISEMENTS FILED FOR LIENS, 1876--. 150 papers in 1 f.b. Appraisements of estates against which liens have been filed for non-payment of inheritance tax. Attached are citations to fiduciary of estate showing names of deceased and fiduciary, time and place fiduciary is to appear, and signature of register. Not arr. No index. Typed and hdw. on ptd. fm. 5 x 8 x 15.

264. TENTATIVE APPRAISEMENTS, 1919--. 75 papers in 1 f.b. Tentative appraisements returned to State Department of Revenue for investigation, with correspondence relative to appraisement, showing name of deceased, appraised value of real and personal property, deductions, clear value of estate, affidavit and signature of fiduciary. Not arr. No index. Hdw. and typed on ptd. fm. 10 x 5 x 13.

265. APPRAISEMENTS IN LITIGATION, 1927--. 30 papers in 1 f.b. Appraisements of estates which are involved in litigation, and on which inheritance tax has not been paid, showing court term, case no., names of deceased, date of death, name of appraiser, and date of appointment. Not arr. No index. Hdw. and typed on ptd. fm. 10 x 5 x 13.

266. UNPAID INHERITANCE TAX, 1918--. 100 papers in 2 f.b. (dated). Appraiser's returns of estates on which the inheritance tax has not been paid, showing date, name of deceased, appraised value of real and personal property, amount subject to tax, amount of tax, date due, and signature of appraiser. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 13.

267. CARD RECORD OF DELINQUENT ACCOUNTS, 1918--. 100 cards in 1 f.d. Shows court term, case no., name of deceased, date of death, appraised value of estate, amount subject to tax, amount of tax, date due, name and address of fiduciary. Arr. alph. by first letter of surname of deceased. No index. Typed. 5 x 6 x 15.

268. (RECEIPT STUBS), 1924-27. 17 vols. Discontinued. Stubs of receipts for payments of appraisers' fees, showing no., date, names of appraiser and estate, number of days of service, rate per day, and total amount. Arr. chron. by date of receipt. No index. Hdw. on ptd. fm. Aver. 100 pp. 8 x 5 x 3/4.

269. TRANSFER INHERITANCE TAX (Stubs), 1924-29, 1936--. 68 vols. Stubs of receipts issued on payment of inheritance tax, showing date, name of deceased, appraised value of estate, amount subject to tax, amount of tax, penalties or abatements, date and amount paid. Arr. chron. by date of payment. No index. Hdw. on ptd. fm. Aver. 250 pp. 8 x 5 x 1½.

(Next entry 270, p. 121)

VIII. SHERIFF

The office of sheriff is one of ancient standing. King Alfred appointed a sheriff for each county or shire into which he divided England in 872 (1). The diverse powers and duties of this officer consisted of the keeping of the peace, the power to summon a posse comitatus, to keep the sheriff's county or shire court, to attend the justices and join them as a judiciary in the county court, to execute the king's writs or processes or the precepts of the king's justices, to have custody of the jails, to impanel and return juries, to keep jury books and jury lists, to defend the realm against enemies in the absence of the earls, and to act as a return officer in the election of knights of the shires, coroners, and verderors (2).

The first trace of the sheriff in the territory which is now Pennsylvania was the officer known as the schout fiscall who held office under the Dutch, from 1655 to 1664, and had the combined duties of a sheriff and district attorney (3). With the English conquest in 1664, there was created a form of government which combined features of the English law with the ordinances of Holland (4). Provision was made "that the schout, the burgomaster, sheriff and other inferior magistrates shall use and exercise their customary power for six months" (5). English custom and law prevailed and in 1672 it was decreed that the office of schout be converted into a sheriffalty (6). By ordinance of Governor Andros in 1676 the sheriff was to act as the principal officer for the execution of the laws but not as a justice of peace or magistrate (7). The sheriff was thereby deprived of the judicial powers possessed by that officer in England. His duties became ministerial and he acted as a peace officer and an executive officer of the court as he does today (8).

By the provisions of the Ordinance of 1672, the sheriff was to be chosen annually by the Governor from two nominees selected by the freemen (9). This provision with slight variation was repeated in the Duke of York's laws (10), Charter of Liberties, 1682 (11), Frames of Government of 1682 (12), and 1683 (13),

1- Richard C. Sewell, Law of Sheriffs, Philadelphia, 1845, p. 29; W.L. Murfree, A Treatise on the Law of Sheriffs and Other Ministerial Officers, St. Louis, 1890, p. 19 (a). 2- Sewell, op. cit., pp. 32, 34; W.H. Watson, A Practical Treatise on the Law Relating to the Office and Duty of Sheriff, Philadelphia, 1834, pp. 194-217. 3- Frank M. Eastman, Courts and Lawyers, New York, 1922, I, 10; Jacob Tanger and Harold F. Alderfer, Pennsylvania Government, State and Local, Harrisburg, 1933, p. 48. 4- Charter to William Penn and Laws of the Province of Pennsylvania, etc., p. 443. 5- Eastman, op. cit., I, 19; Charter to William Penn and Laws of the Province of Pennsylvania, etc., p. 446. 6- Eastman, op. cit., I, 20; Charter to William Penn and Laws of the Province of Pennsylvania, etc., p. 451. 7- Eastman, op. cit., I, 22. 8- For a comparison of the duties of the sheriff in England and colonial America see C.H. Kerraker, The Seventeenth Century Sheriff in England and the Chesapeake Colonies, Chapel Hill, 1930; H.S. Gilbertson, The County, New York, 1917, p. 11; Murfree, op. cit., p. 5. 9- Supra, footnote 6. 10- Charter to William Penn and Laws of the Province of Pennsylvania, etc., p. 44. 11- Charter to William Penn and Laws of the Province of Pennsylvania, etc., p. 97; G.E. Howard, An Introduction to the Local Constitutional History of the United States, Baltimore, 1889, I, 384. 12- s 17. 13- s 16.

the Charter of Privileges of 1701 (14), and the Constitutions of 1776 (15), and 1790 (16). The office of sheriff became elective by the Constitution of 1838 (17), and remained so under the Constitution of 1874. By amendment in 1909 the term was extended to four years (18).

The sheriff is ineligible to succeed himself (19). Upon assumption of his duties he must take an oath of office (20) and enter into a recognizance and give a bond (21).

The sheriff acts as an officer of the courts, civil and criminal, and as a peace officer. Legislation provides that whenever the coroner is unable to perform the duties of his office, these duties are performed by the sheriff (22) (see Coroner). As a matter of practice, however, the coroner's deputy acts for him on such occasions.

As an Officer of the Courts

The sheriff is a ministerial officer bound to execute all processes issuing from the courts of quarter sessions and oyer and terminer, the court of common pleas (23), the orphans' court (24), the Superior Court (25), and the controller (26).

When so directed, he serves all writs of fiscal officers of the Commonwealth (27), writs of scire facias sur liens where the Attorney General wishes to enter suit for liens due the Commonwealth on unpatented lands (28), processes of the civil service commission (29), writs issued by the Governor to fill vacancies in state offices (30) and in the House of Representatives of the United States (31).

In some instances, the sheriff may go beyond the limits of his jurisdiction to serve processes (32), and in others he may be deputized to serve within his jurisdiction processes issuing from without (33).

The sheriff holds inquisitions in partition proceedings (34); takes bonds filed in civil arrests (35); conducts sales of property, both real and personal,

14- s 3. 15- s 31. 16- Art. VI s 1. 17- Const. 1838, Art. VI s 1. 18- Const. Art. XIV s 2 as am. 1909. 19- Const., Art. XIV s 1. 20- Const., Art. VII s 1; 1929 PL 1278 s 53. 21- 1803, 4 Sm L 45 s 1; 1834 PL 537 s 62 rep. 1929 PL 1278 s 1051 but reen. in s 182. 22 - 1803, 4 Sm L 45 s 7 supp. 1834 PL 509; 1929 PL 1278 s 190 added 1931 PL 401 s 6. 23- 1722, 1 Sm L 131 s 24; 1836 PL 606 s 8, 11; 1893 PL 345 s 5; 1901 PL 88 s 2; 1901 PL 614 s 1; 1903 PL 261 s 1; 1911 PL 198 s 11; 1913 PL 21 s 6; 1917 PL 237 s 1; 1917 PL 363 s 18 (d); 1923 PL 136 No. 103 s 1; 1929 PL 1278 s 186; 1931 PL 56 s 3; 1935 PL 51 s 1. 24- 1917 PL 363 s 17 (b), 18 (a) (4) (5), 19 (3) (1). 25- 1895 PL 212 s 5. 26- 1929 PL 1278 s 373. 27- 1811, 5 Sm L 228 s 32 rep. 1929 PL 343 s 1805 but reen. in s 1602, 1721. 28- 1672 PL 51 s 5. 29- 1913 PL 1374 art. VI s 27. 30- Ibid., s 38. 31- 1839 PL 519 s 39, 41. 32- 1842 PL 144 s 8; 1877 PL 26 s 2. 33- 1836 PL 755 s 76, 82; 1836 PL 784 s 25; 1917 PL 813 s 1; 1921 PL 899 s 2. 34- 1799, 3 Sm L 386 s 1. 35- 1836 PL 568 s 16; 1927 PL 728 s 1.

to satisfy writs of execution (36); has the power to deliver title by deed to purchasers of realty (37). In execution on real estate, he must summon an inquest of six men to ascertain whether the rents from the property will be sufficient within seven years to satisfy the lien of judgment without necessitating the sale of the property (38). Sequestrators of rents, issues, and profits of life estates in lands are put into, and kept in possession, by the sheriff (39). In execution of personalty where another person claims the goods attached, the sheriff files an interpleader to protect himself and has the ownership of the goods determined (40). He administers oaths to appraisers appointed to evaluate property to be exempted in execution proceedings (41), and designates watchmen for property in his custody pursuant to levy or attachment (42). Perishable goods seized in execution may be sold by the sheriff on order of the court (43). He may use force to seize goods formerly attached by him in order to sell them (44).

The sheriff may not sell property of any corporation, limited partnership, or joint stock company without first filing notices of the sale with the Department of Revenue, and receiving from that department a list of all public liens against the property (45).

Furthermore the sheriff must attend court and abate nuisances pursuant to court order (46). Although he has the statutory right to collect court costs and settlements, this is done by the District Attorney in Luzerne County.

The courts of quarter sessions and oyer and terminer (47) and the chief probation officers in juvenile cases (48) have the power to direct their precepts to the sheriff to arrest and bring before them persons charged with criminal offenses. Upon request he issues a certificate stating the offense and bail demanded for any person arrested (49), and delivers a copy of the warrant of commitment (50). He may not give up custody of a prisoner except upon presentation of writs of habeas corpus (51). The sheriff serves writs of habeas corpus presented to him (52), and may not refuse to execute any legal processes requiring the apprehension of a person accused of crime (53). The court may order him to take into custody and commit to jail any person fined for contempt (54). Convicts are conveyed by the sheriff to the penal institution designated by the court (55).

For many years the sheriff as official custodian of the county prison was entirely responsible for the safe-keeping of convicts and prisoners awaiting trial. In 1868 he was relieved of this duty when the board of prison commis-

36- 1705, 1 Sm L 57 s 4 supp. 1824 PL 119 s 1; 1799, 3 Sm L 393 s 20; 1836 PL 755; 1849 PL 524 s 3; 1923 PL 207 s 31. 37- 1764, 1 Sm L 262 s 3; 1803, 4 Sm L 88 s 1; 1824 PL 159 s 1; 1836 PL 755 s 94, 101 rep. 1927 PL 114 No. 78 s 2 but reen. in s 1; 1929 PL 1278 s 185. 38- 1879 PL 122 s 2; 1831 PL 13 s 1. 39- 1849 PL 676 s 5. 40- 1931 PL 883 s 1. 41- 1849 PL 676 s 5. 42- 1933 PL 1141 s 1 (d). 43- 1807 PL 155, 4 Sm L 398 s 3. 44- 1925 PL 99 s 1. 45- 1929 PL 343 s 1402. 46- 1907 PL 496 s 8. 47- 1860 PL 427 s 32. 48- 1907 PL 436 s 1. 49- 1915 PL 76 s 1. 50- 1785, 2 Sm L 275 s 10. 51- Ibid., s 12. 52- Ibid., s 1, 9. 53- 1860 PL 382 s 7. 54- 1836 PL 784 s 25; 1917 PL 813 s 1. 55- 1829 PL 341 s 8 art V; 1867 PL 63 s 8.

sioners was set up for Luzerne County (56) (see Prison Commissioners). This board appoints a warden who is the custodian of the county prison (see Jail Warden).

As an Officer of the Peace

The sheriff is the principal preserver of the peace in the county. It is his duty to suppress riots and insurrections, arrest upon sight and without warrant persons committing a breach of peace, persons whom he has reasonable cause to believe have committed a felony (57), husbands charged with desertion (58), anyone selling liquor within three miles of soldiers' camps (59), and fish and game law violators (60). He must seize and destroy illegally used property (61). He issues licenses to carry firearms (62), and must commence proceedings against anyone making bets on elections (63). It was formerly the sheriff's duty to prevent prize fights in Luzerne County (64).

Except for aid in the maintenance of peace at the polls (65), the sheriff's election duties were taken over by the county board of elections in 1937 (66) (see County Board of Elections).

Miscellaneous Duties

The sheriff must deliver violent persons to the superintendent of any mental hospital upon request of the proper parties, and apprehend and return missing patients (67). He adjourns the court in the absence of the prothonotary or the clerk of courts (68), and notifies constables selected by the judges to attend adjourned courts (69). The writs ordering the impaneling and summoning of jurors are directed to the sheriff and the county commissioners (70). The sheriff must make a fair and correct table of his fees and keep a copy in a conspicuous place in his office. He may be required to give an itemized statement of the fees charged, and a receipt for payment of the same (71).

In Luzerne County the sheriff receives a salary and all supplies from the county, and does not retain any part of the fees which he collects. He is supplied by the county with an office on the first floor of the courthouse.

The sheriff is required to keep accounts of all receipts or disbursements earned or chargeable to the county in pursuance of his duty (72), which accounts

56- 1866 PL 917. 57- Comm. vs. Goldstein, 57 Pa. 34, (1914). 58- 1867 PL 78 s 1. 59- 1875 PL 48 s 3. 60- 1917 PL 322 s 7; 1925 PL 448 s 270, 271, 273, 274. 61- 1820 PL 20, 7 Sm L 244 s 2; 1885 PL 81 s 1; 1917 PL 322 s 7; 1933 Sp. Sess. art. VI s 611; 1935 PL 1246 s 1. 62- 1931 PL 497 s 7. 63- 1839 PL 519 s 116. 64- 1866 PL 210 s 2 rep. 1911 PL 902 s 1. 65- 1839 PL 519 s 111 rep. 1937 PL 1333 s 1901 but reen. in s 1821; 1919 PL 857 s 51; 1937 PL 1333 s 1207. 66- 1937 PL 1333. 67- 1923 PL 998 s 306, 407, 408. 68- 1834 PL 333 s 64. 69- 1814 PL 28, 6 Sm L 98 s 1. 70- 1925 PL 244 s 5 am. 1929 PL 495 s 1 am. 1937 PL 2782 s 3. 71- 1803, 4 Sm L 45 s 9, 10; 1821, 7 Sm L 367 s 14; 1933 PL 1141 s 4, 5. 72- 1876 PL 13 s 2; 1929 PL 1278 s 341.

are scrutinized by the controller from time to time (see Controller), he also must keep dockets in which are noted the commencement of all actions, the service of writs and ensuing proceedings thereon. At the termination of his tenure of office he is required by statute to deposit these dockets in the prothonotary's office (73), but this practice is not strictly followed in Luzerne County. In addition to the records specifically required, the sheriff has kept other records as a matter of practice and expediency.

Service of Writs

(See also entries 110, 117, 119, 132, 183, 187, 273)

270. SUMMONS DOCKET, 1902-16, 1920-31, 1933--. 14 vols.
Record of summonses, writs, and petitions issued in mandamuses, attachments, executions, and actions of replevin, such as petitions and orders for citations, judges' notice of hearing and writs of scire facias, showing names of parties, date and no. of instrument, names of attorneys, court term and case no., and date returned. Arr. chron. by term of court. 1902-7, no index; for index 1908--, see entry 271. Hdw. Aver. 500 pp. 15 x 10 x 3. 1902-7, 2 vols., janitor's bsmt. strm.; 1908-31, 8 vols., clk. of cts. bsmt. vlt; 1933--, 4 vols., off.

271. SUMMONS DOCKET INDEX, 1908--. 2 vols.
Alphabetical index to Summons Docket by names of defendants, giving vol. and p. Hdw. Aver. 600 pp. 12 x 8 x 3. Off.

272. CAPIAS DOCKET, 1908-11, 1924-31, 1936--. 5 vols.
Record of writs of capias issued to sheriff, showing name and address of defendant, for whom writ is issued, court term and case no., date and no. of writ, total costs, and name of sheriff and deputy serving writ. Arr. chron. by date of entry. No index. Hdw. Aver. 200 pp. 15 x 10 x 1½. 1908-11, 1924-31, 4 vols., clk. of cts. bsmt. vlt.; 1936--, 1 vol., off.

Sheriff's Sales

(See also entries 110-117)

273. EXECUTION DOCKET, 1811-12, 1875-76, 1881-84, 1898-1916, 1919--.
17 vols. Title varies: Sheriff's Docket, 1811-12, 1 vol.
Record of proceedings in execution of judgments, showing date, kind of writ, property levied, court term and case no., names of parties, returns made, amount of debt, and signature of sheriff or deputy, Arr. chron. by term of court. 1811-1907 no index; for index 1908--, see entry 274. Hdw. Aver. 900 pp. 15 x 12 x 2½. 1811-12, 1 vol., proth. off.; 1875-Feb. 1908, 5 vols., janitor's bsmt. strm.; Mar. 1908-31, 8 vols., clk. of cts. bsmt. vlt.; 1932--, 3 vols., off.

274. INDEX EXECUTION DOCKET, 1908--. 2 vols. (1-2).
Alphabetical index to Execution Docket, giving name of judgment debtor, vol. and p. Hdw. Aver. 500 pp. 10 x 7 x 3. Off.

73- 1834 PL 537 s 78.

275. REAL ESTATE SALES DOCKET, 1888-95, 1902-15, 1924--. 17 vols.
Title varies: Sheriff Sale Book, 1888-90, 1 vol.; Sheriff's Sales Docket, 1890-1934, 11 vols.
Record of sheriff's sales, showing names of judgment creditor, debtor, and purchaser, judgment no., date and no. of sale, location and description of property, amount received and proof of publication of sale. Arr. chron. by date of sale. 1888-1934, 12 vols., no index; for index 1934--, see entry 276. Hdw. 1888-1934, 12 vols.; hdw. on ptd. fm., 1934--, 5 vols. Aver. 400 pp. 14 x 10 x 2. 1888-1931, 9 vols., clk. of cts. bsmt. vlt.; 1931--, 8 vols., off.

276. INDEX REAL ESTATE SALES DOCKET, 1934--. 2 vols.
Alphabetical index to Real Estate Sales Docket, showing name of judgment debtor, vol. and p. Hdw. Aver. 500 pp. 10 x 7 x 2½. Off.

Dockets
(See also entries 290-299)

277. SHERIFF'S DOCKET, 1924-26. 1 vol. Discontinued.
Record of persons charged with law violations, showing date and place of arrest, name and address of prisoner, charges, date of birth, age, color, occupation, sex, and nationality, disposition of case. Also contains: Property Taken From Persons Upon Entering Prison Or While Confined, 1924-26, entry 305. Arr. chron. by date of arrest. Indexed alph. by first letter of surname of prisoner. Hdw. on ptd. fm. 996 pp. (only 38 pp. used). 14 x 10 x 3. Clk. of cts. bsmt. vlt.

278. COURT ORDER DOCKET, 1924--. 4 vols.
Sheriff's record of court orders for commitments to asylums and institutions for incorrigibles, warrants for arrest, and writs of habeas corpus, showing title and no. of order, court term and case no., name of judge, names of parties, and deputy executing order; person or municipality against whom court costs are chargeable, date and time of receipt and execution of order, and name of institution to which committed. Arr. chron. by date of order. No index. Hdw. Aver. 300 pp. 16 x 11 x 1½. 1924-30, 2 vols., clk. of cts. bsmt. vlt.; 1931--, 2 vols., off.

Accounts
(See also entry 419)

279. FEE BOOK, 1884-85, 1902-15, 1924--. 12 vols.
Monthly account of fees earned and collected by the sheriff, showing name of sheriff, date of collection, type of writ, court, term, and case no., names of parties, amount and type of fee and total amount. Arr. chron. by date of collection. No index. Hdw. on ptd. fm. Aver. 250 pp. 15 x 21 x 2. 1884-1907, 4 vols., janitor's bsmt. strm.; 1908-11, 1 vol., treas. bsmt. vlt.; 1912-29, 3 vols., clk. of cts. bsmt. vlt.; 1930--, 4 vols., off.

280. CASH BOOK, 1908-11. 1 vol. Discontinued.
Record of cash received by sheriff, showing type of service rendered, date and amount of receipt, and names of parties. Arr. chron. by date of entry. No index. Hdw. 500 pp. 14 x 10 x 2. Clk. of cts. bsmt. vlt.

Licenses
(See also entries 149-155, 209-212, 364-372)

281. LICENSE TO CARRY FIREARMS, 1931--. 400 cards in 1 f.d. Record of licenses issued to carry firearms, showing license no., period for which granted, name and address of licensee, place of birth, citizenship, physical description, reasons for carrying weapon, make, no., and caliber of weapon, signatures of licensee and sheriff. Arr. num. by license no. Hdw. on ptd. fm. 5 x 11½ x 26. Off.

282. (CARD INDEX TO FIREARM LICENSES), 1931--. 400 cards in 1 f. d. Index to licenses to carry firearms, showing name and address of licensee, license no., and date issued. Arr. alph. by name of licensee. Hdw. on ptd. fm. 5 x 11½ x 26. Off.

(Next entry 283, p. 125)

IX. CORONER

The coroner, one of the oldest county officers, was brought by the colonists from England. His duties today are essentially what they were in colonial times and in England, being based on an English statute of 1276. They consist chiefly of taking charge of the bodies of those who have died by violence or in a suspicious manner, seeking the cause of death and locating, where possible, the persons responsible (1).

The first mention of the coroner in Pennsylvania was in the charter of Liberties, 1682, where provision was made for the nomination by the freemen of two coroners from which the governor was to choose one, who served for one year. This provision was repeated in the Frames of Government of 1682 and 1683. The tenure of office was increased to three years by the charter of privileges of 1701 (2), reduced to one year by the Constitution of 1776 (3), and again extended to three years by the Constitution of 1790 (4). By the Constitution of 1838 (5) the office of coroner became elective and remained so under the Constitution of 1873 (6). The tenure was increased to four years by amendment in 1909 (7).

Before the coroner is commissioned he must take an oath of office (8), enter into a recognizance and file a bond (9). He cannot execute any of his duties before his commission is granted and recorded with the recorder of deeds (10). The coroner receives a salary and necessary supplies from the county, but is not furnished with office space in the courthouse. The coroner of Luzerne County maintains a private office at 3 West Broad Street, Hanticoke, Pennsylvania.

The common law duties of the coroner were recognized by early statutes authorizing the payment of fees for viewing a dead body, summoning and qualifying the inquest, and drawing and returning the inquisition (11). In 1907 the legislature specified the duties of the coroner in respect to holding inquests (12). In all cases where death is sudden, violent or of a suspicious nature, it is the coroner's duty to make a careful investigation, and such autopsy as may be necessary, in order to ascertain whether death was due to unnatural causes.

1- G.C. Woodward, The Office and Duties of Coroners in Pennsylvania, Philadelphia, 1911; H.S. Gilbertson, The County, New York, 1917, p. 13; David I. Macht, "The Ancient Office of Coroner", The Johns Hopkins Hospital Bulletin, XXIV No. 267; Baltimore, 1913. O.T. Schultz, "The Coroner's Office", The Annals, American Academy of Political and Social Science, Philadelphia, 1913, XLVII, 112; Encyclopedia Britannica, 11th Edition, VII, 187, 188. 2- For provisions of Charter of Liberties, Frames of Government, and Charter of Privileges, see F.N. Thorpe, American Charters, Constitutions, and Organic Laws, Washington, 1909 V. 3047, 3052, 3064, 3076. 3- s 31. 4- Art. VI s 1. 5- Art. VI s 1. 6- Art. XIV s 1, 2. 7- Amendment No. 9. 8- Const., Art. VII s 1; 1929 PL 1278 s 53. 9- 1803, 4 Sm L 45 s 1 rep. 1876 PL 46; 1834 PL 537 s 66, 74 rep. 1929 PL 1278 s 1051, but reen. in s 201, 212. 10- 1834 PL 537 s 73 rep. 1929 PL 1278 s 1051 but reen. in s 211. 11- 1700, II St. at L. 137; 1814, 6 Sm L 228 s 19; 1866 PL 391. 12- 1907 PL 92 s 1 am. 1935 PL 710 s 2; 1915 PL 900 s 8.

In case of death without medical attendance, the coroner must issue a certificate of death before a burial permit can be procured (13).

Any effects found on an unidentified body where death, though sudden and violent, is not surrounded by suspicious circumstances, are delivered by the proper authorities to the coroner, who turns the effects over to those legally entitled to them. The coroner has the right to view such a body, and to investigate the facts or causes of death (14).

When fatalities are caused by accident in an anthracite coal mine, the State Inspector of Mines may, after an examination, request the coroner to hold an inquest without delay (15). Notice of the holding of such an inquest must be given by the coroner to the inspector (16). The coroner must adjourn the inquest if the inspector is not present, and notify him of the time and place of the adjourned inquest (17).

In holding anyone for court, the coroner issues a certificate stating the name of the prisoner, the charge upon which he is being held and the amount of bail demanded (18).

Legislation provides that whenever the sheriff is unable to perform the duties of his office, they are to be performed by the coroner, who must keep a proper set of books, in which are to be entered all writs directed to him (19) (see Sheriff). At the expiration of his term of office, these books are to be deposited in the office of the prothonotary (20). As a matter of practice, however, the sheriff's deputy acts for him on such occasions.

283. INQUESTS, 1902--. 13,000 papers in 27 f.b. and 1 bdl. 1788-1902 in Quarter Sessions Files, entry 183.
Reports on viewing of bodies, showing report no., date, place of viewing, name and late address of deceased, cause of death, amount of fees and costs paid coroner and pathologist. Arr. chron. by date of report. No index. Hdw. on ptd. fm. F. b. 9 x 5 x 13; bdl. 8 x 10 x 5. 1902-36, 27 f. b., comms. bsmt. vlt.; 1937--, 1 bdl., comms. off.

284. INQUEST DOCKET, 1865--. 28 vols.
Record of coroner's inquests, showing date of inquest, name of decedent, date and cause of death, record no., amount of coroner's jury and post mortem fees and signatures of coroner and coroner's jury. Arr. chron. by date of inquest and record no. Indexed alph. by name of deceased. Hdw. on ptd. fm. Aver. 500 pp. 16 x 12 x 2½. 1865-1904, 1909-13, 1924, 21 vols., comms. bsmt. vlt.; 1905-8, 1914-23, 3 vols., cont, bsmt, vlt.; 1925--, 4 vols., comms. off.

13- 1915 PL 900 s 8. 14- 1907 PL 92 s 2 am. 1935 PL 710 s 2. 15- 1891 PL 176 art. XIII s 2. 16- 1891 PL 176 art. XIII s 4; 1915 PL 712 s 5. 17- 1891 PL 176 art. XIII s 3, 5. 18- 1915 PL 76 s 1. 19- 1803, 4 Sm L 45 s 7, supp. 1834 PL 509; 1834 PL 537 s 75 rep. 1929 PL 1278 s 1051 but reen. in s 59, 204, 1931 PL 401 s 1; 1933 PL 945 s 1. 20- 1834 PL 537 s 78.

(Next entry 285, p. 127)

X. DISTRICT ATTORNEY

The forerunner of the district attorney in Pennsylvania was an officer known as the schout fiscall who, under the Dutch (1655-64), combined the duties of sheriff and district attorney (1). With the advent of the English, this office gradually disappeared (see Sheriff), and criminal cases were prosecuted by the Attorney General, a state officer who was represented in each county by deputies (2). In 1850 an act was passed setting up a new officer to be known as the district attorney who was to take over the duties of the Deputy Attorney General in each county. The office of district attorney was given constitutional sanction in 1874 (3).

The district attorney must be learned in the law, have been admitted to practice as an attorney in the Supreme or Superior Court of the Commonwealth for at least two years preceding the time of his election, and have resided in the county for two years (4). Before assuming his duties for a term of four years (5) he must take an oath of office (6). The district attorney receives a salary and supplies from the county, which furnishes him with an office on the first floor of the courthouse.

The district attorney of the county is a very important officer in the enforcement of law. He investigates criminal acts and prosecutes persons charged with the commission of crimes. It is his duty to institute proceedings for the arrest and detention of persons suspected or accused of crime, prepare and sign indictments, submit testimony before the grand jury, and appear in court and try cases on the Commonwealth's behalf (7). He is authorized to take the fingerprints of persons accused of having committed a felony, and to keep a fingerprint file of all persons convicted, to be open to the inspection of any other district attorney or peace officer in the Commonwealth (8). To help him in his work, the district attorney of Luzerne County has appointed one chief and five assistant county detectives (9) (see County Detectives).

The district attorney receives commitments by justices of the peace of minors to charitable institutions, and he must place them in the hands of a judge sitting at quarter sessions (10). He must furnish jail wardens with a

1- Frank M. Eastman, Courts and Lawyers of Pennsylvania, New York, 1922, 1, 10; Jacob Tanger and Harold F. Alderfer, Pennsylvania Government, State and Local, Harrisburg, 1933, p. 48; H. S. Gilbertson, The County, New York, 1917, pp. 12, 13. 2- Act no. 946 passed December 27, 1781, recorded in Law Book A, I, 464, at Harrisburg. 3- Const., Art. XIV s 1. 4- 1850 PL 654 s 1 am. and rep. as to certain counties 1852 PL 45; 1853 PL 667 s 7 but reen. throughout the state 1883 PL 15 s 1; 1929 PL 1278 s 246 am. 1931 PL 401 s 1 further am. 1937 PL 2619 s 1. 5- Const., Art. XIV s 2 am. 1909; 1850 PL 654 s 1. 6- Const., Art. VII s 1; 1850 PL 654 s 2; 1929 PL 1278 s 53. 7- 1850 PL 654 s 1; Comm. ex rel Minord et al, appellants vs. Margiotti, 325 Pa. 17, pp. 30, 31 (1936). 8- 1927 PL 414 s 5; 1937 PL 2433 s 5. 9- 1874 PL 218 No. 138 s 1, rep. 1929 PL 1278 s 1051 but reen. in s 277, 281; 1931 PL 401 s 1. 10- 1893 PL 399 s 4.

criminal history of each felon committed to their care (11). Upon request of the State Board of Pardons, he must forward to them any information relative to applications for pardons or commutations of sentence (12).

Where a writ of mandamus is sought to force a public official to perform his duty, the proceedings may be brought at the instance of the district attorney (13). Applications in any township for a dance hall or ballroom license are investigated by the district attorney for compliance with legal requirements. He is empowered to revoke such license for disorderly or immoral conduct upon the premises (14).

Although not required to do so by statute, the district attorney keeps the following records:

285. DISTRICT ATTORNEY'S DOCKET, 1878-82, 1884-86. 3 vols. Discontinued. Record of cases tried, showing names of defendant, prosecutor, bailer, amount of bail, charges, costs, date and time jury was sworn, date jury retired, and disposition of case. Attached to each page is newspaper clipping of daily lists of criminal trials. Arr. chron. by term of court. No index. Hdw. on ptd. fm. Aver. 300 pp. 15½ x 11 x 2. Janitor's bsmt. strm.

286. DISTRICT ATTORNEY'S TRIAL DOCKET, 1890--. 16 vols.
List of criminal cases showing court term, case no., name of defendant, attorney, and prosecutor, charge, name of judge and disposition. Arr. chron. by term of court. Indexed alph. by first letter of surname of defendant. Hdw. on ptd. fm. Aver. 500 pp. 36 x 12 x 3. Off.

287. NON-SUPPORT SURETY DOCKET, 1921--. 11 vols. (1-11).
List of cases tried in domestic relations court showing court term, case no., names of defendant, complainant, prosecutor and court officials, charge and disposition of case. Arr. chron. by term of court. Indexed alph. by first letter of surname of defendant. Hdw. on ptd. fm. Aver. 500 pp. 30 x 12 x 3. Off.

288. INDICTMENTS HELD OVER GENERALLY; TRANSCRIPTS FOR NEXT GRAND JURY, 1937--. 900 papers in 9 f.b.
Confidential record. Arr. chron. by date of filing. No index. Hdw. on ptd. fm. 10 x 5 x 13. Off.

289. (ACCIDENT AND MURDER SITES), 1923--. 1923-30 in (Blue Prints and Rough Drafts) entry 508; 1930-- in Tracings of Maps for the County Roads, entry 501.
Tracings of accident and murder sites made by engineer as requested by district attorney.

11- 1889 PL 103 s 2. 12- 1931 PL 71 No. 53 s 1. 13- 1893 PL 845 s 5.
14- 1927 PL 968 s 4, 6.

(Next entry 290, p. 133)

XI. COUNTY DETECTIVES

The county detectives have been a branch of the county law enforcement machinery since 1874. They are appointed by the district attorney to aid him in the performance of his duties (1) (see District Attorney). In Luzerne County the district attorney has appointed one chief and five assistant county detectives. They hold their positions during the term of the district attorney and are removable at his discretion. Under the direction of the district attorney they make investigations, obtain evidence, make arrests, and perform such other duties as he may request.

The county detectives share the office of the district attorney on the first floor of the courthouse. They are paid a salary and furnished with supplies by the county. There is no legislative provision for the keeping of records by the county detectives.

1- 1874 PL 218 No. 138, s 1 rep. 1929 PL 1278 s 1051 but reen. in s 277 and 281; 1931 PL 401 s 1.

(Next entry 290, p. 133)

XII. THE GRAND JURY

The grand jury is an institution of historic, political, and legal interest, developed in English speaking countries. Its origin is surrounded by obscurity, and has caused protracted discussion and led to widely differing conclusions. Whatever its origin, the grand jury was a well established English institution when the colonists brought it with them to America (1).

The grand jury was regarded by the colonists as a civil right which should not be denied. The framers of the Constitution of the United States included the provision that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger" (2).

The ancient institution of the grand jury was designed to aid the government in detecting and punishing crime; the tyranny of kings made it an instrument to defeat the government. Now it occupies the anomalous position of a public accuser while at the same time it stands as a defender of the liberty of the people.

The grand jury is a body composed of not less than twelve nor more than twenty-three persons. Twenty-four are summoned but never more than twenty-three are sworn because only twelve of the number present are necessary to find a bill to be true or to be ignored (3).

The manner of selecting and procuring the attendance of grand jurors is regulated in Pennsylvania by statute (4). The qualifications of grand jurors are in general the same as they were at common law where they were required to be freeholders and men of good character (5). The Pennsylvania statutes provide that a grand juror must be impartial to both the Commonwealth and the accused (7). They are not, however, required to be freeholders (8).

No statutory form of oath has been prescribed in Pennsylvania (9), although the grand jurors must take an oath or affirmation before entering upon their duties, in which they continue for one term of court. The grand jury may be summoned to meet prior to term time if the judges deem such action expedient.

1- G. J. Edwards, Jr., The Grand Jury, Philadelphia, 1906, pp. 1-31. In Pennsylvania the early cases in which reference to a grand jury is made, have been collected by the Honorable Samuel W. Pennypacker in an address entitled "Pennsylvania Colonial Cases." The first case cited arose in August 1683, "Pennsylvania Colonial Cases," p. 32. 2- U.S. Const., Art. V. 3- Edwards, op. cit., p. 34. 4- 1867 PL 62 s 3. 5- Edwards, op. cit., pp. 60, 61. 6- 1867 PL 62. 7- Comm. vs. Clark, 2 Browne (Pa.) 325; Rolland vs. Comm. 82 Pa. 306; Comm. vs. Cosler, 8 Luzerne Legal Register (Pa.) 97. 8- Edwards, op. cit., p. 62. 9- Edwards, op. cit., p. 64.

The judges also have the power to hold over the grand jury summoned at any term, and during the interim, and until the grand jury of the next succeeding term is assembled (10).

At common law the grand jurors were regarded as an arm of the government to bring wrongdoers to justice and in this respect they exercised the broadest and most unlimited powers. In Pennsylvania a somewhat narrower view of the power of the grand jury was taken. They are effectually limited to such matters as are within their own knowledge or may be given them in charge by the court or the district attorney (11).

The duty of the Pennsylvania grand jury is to determine whether or not the evidence presented by the state raises a prima facie presumption of the guilt of the defendant. If it does, then a true bill should be returned; if not, the bill should be ignored (12). In all prosecutions, except cases of felonies, if the bill is ignored, the grand jury determines whether the county or prosecutor shall pay the costs (13).

The hearings of the grand jury are not attended by anyone except the district attorney presenting the Commonwealth's evidence (see District Attorney), and such witnesses as are named on the bill (14). The grand jurors may administer oaths to any such witnesses (15). No evidence for the defendant is heard before the grand jury (16).

The grand jury has other duties apart from determining criminal liability of potential defendants. Thus when a prisoner, brought up for discharge for want of prosecution, appears insane, the court must order the district attorney to send before the grand jury a written allegation in the nature of a bill of indictment, and the grand jury must investigate the insanity and make a presentment of their findings to the court (17).

The Pennsylvania statutes impose on the grand jury certain duties which relate to matters of general public good within the county. Thus, it is essential that they should pass upon the proposition to incorporate a borough, town, or village within the county (18), or change a borough's limits (19), and the court will not review a question of fact as to the incorporation of such borough when the grand jury considers the incorporation necessary (20). No public buildings or memorials may be erected within the county unless the grand jury has approved of such erection (21), and no county bridge, highway, tunnel, subway, or underground

10- 1875 PL 28 s 2; 1927 PL 420 s 2. 11- Edwards, op. cit., p. 100. As to presentments upon own knowledge, see 1839 PL 519 s 116. 12- Edwards, op. cit., p. 141. 13- 1804, 4 Sm L 204 s 1, 2; 1859 PL 528 rep. 1860 PL 427 s 79 but reen. in s 62. 14- Edwards, op. cit., p. 130. 1929 PL 1794 s 1. 15- 1826 PL 204, 9 Sm L 136 s 1 rep. 1860 PL 427 s 79 but reen. in s 10. 16- 1887 PL 158 s 1. 17- 1860 PL 427 s 68. 18- 1834 PL 163 s 1; 1871 PL 283; 1891 PL 120. 19- 1927 PL 519 s 401, 402, 405, 406, 410. 20- Millville Borough, 10 Pennsylvania County Court Reports 321. 21- 1834 PL 537 s 10 rep. 1929 PL 1278 s 1051; 1834 PL 537 s 11; 1834 PL 539; 1876 PL 149 s 1; 1876 PL 154 s 6; 1877 PL 40 s 1; 1883 PL 58 s 1; 1895 PL 377 s 1; 1911 PL 1039 s 1; 1921 PL 271 s 1 rep. 1929 PL 1278 s 1051; 1929 PL 1278 s 552, 592, 601, 615.

(Next entry 290, p. 133)

road may be erected unless the grand jury shall determine that it is necessary (22). To determine such necessity the grand jury conducts hearings (23) in the grand jury room on the third floor of the courthouse where all its business is conducted.

No sewers or sewage disposal plants may be erected in the county unless investigated and approved by the grand jury.

The grand jury must approve any bond issue in excess of one-tenth of one percent of the total value of taxable property in the county as shown by the last triennial assessment, when the bond issue is used for building, improving, repairing, and maintaining public highways (24).

Upon presentment of two or more successive grand juries the commissioners are authorized to maintain a county morgue (25).

The costs of investigation of all matters of public import by the grand jury are paid by the county. In some cases, however, they are taxed and paid as other costs on the part of the Commonwealth in any criminal prosecution which may arise out of such investigation (26).

The grand jury is not required to keep any records, its reports being found among the records of the clerk of courts of quarter sessions and oyer and terminer

22- 1836 PL 551 s 46; 1903 PL 164 s 1; 1903 PL 289 s 1; 1907 PL 3 s 1 am. 1929 PL 5 No. 3 s 1; 1907 PL 185 s 1 rep. 1929 PL 1278 s 1051; 1929 PL 1278 s 732, 734, 751, 771, 794, 801, 802, 901, 937; 1931 PL 401 s 1. 23- 1929 PL 1278 s 773, 916. 24- 1929 PL 1278 s 876, 896. 25- 1893 PL 457 s 1 par. 1; 1899 PL 52 s 1. 26- 1907 PL 166 s 1.

(Next entry 290, p. 133)

XIII. JAIL WARDEN

In colonial Pennsylvania the sheriff was the official custodian of the county jail (see Sheriff). The office of jail warden was established in Luzerne County in 1868, when a special act provided for the appointment of a "keeper" of the county prison by the prison commissioners (1) (see Prison Commissioners). He is required to reside in the building (2), and, in general, has charge of the inmates and is responsible for their welfare and safekeeping (3). At the time of his appointment the warden must take an oath of office (4), and give a bond (5).

The warden receives a salary from the county, but must furnish his own supplies for his office which is located in the county prison on Water Street, Wilkes-Barre.

Upon the written request of the proper authorities, the warden may detail any prisoner for work on public highways, except one under sentence of death (6). The warden must notify the board of county commissioners and clerk of courts when prisoners are transferred or retransferred to him (7). These notices are not retained. He has the authority to take the fingerprints or photographs of any person in custody charged with the commission of a crime (8), for use in the identification of the prisoner or at his trial (9). He must also furnish to the Pennsylvania Motor Police, upon request, the fingerprints, photographs, and description of any person detained in his institution (10). The warden is allowed to adopt the Bertillon method of measurements and registration, or any other method which minutely describes convicts (11).

The warden must keep a journal in which are entered the admittance, discharge and other information concerning prisoners (12); a record of the money and effects taken from prisoners entering the prison (13); a record of the physical and mental examination given to all prisoners upon admission to the prison (14). He must also record in a register a description of every felon committed to his institution, together with his criminal history and photographs (15). This register is not open to the public, except as may be necessary in the identification of persons accused of crime after having been imprisoned for a prior offense, and as evidence at the trial of such persons (16).

In addition to the records which the jail warden has been specifically required to keep, he has kept other records as a matter of practice and expediency. The records of discharges which antedate the founding of the office, were formerly

1- 1868 PL 917 s 2 art. I. 2- Ibid., art. II. 3- Ibid., s 11. 4- Const., Art. VII s 1; 1929 PL 1278 s 53. 5- 1868 PL 917 s 13. 6- 1915 PL 812 s 2. 7- 1923 PL 1044 s 3 and 5; 1929 PL 640 s 3. 8- 1927 PL 414 s 3 am. 1937 PL 2433 s 3. 9- 1927 PL 414 s 5 am. 1937 PL 2433 s 5. 10- 1927 PL 414 s 2 am. 1927 P 2433 s 2. 11- 1839 PL 103 s 4. 12- 1868 PL 917 s 2 art. II. 13- Ibid., art. VI. 14- 1921 PL 433 No. 208 s 1. 15- 1839 PL 103 s 1. 16- Ibid., s 3.

kept by the sheriff. All the records of the jail warden are found in the prison building

Commitments
(See also entries 194-197, 277, 278)

290. COMMITMENTS, 1870--. 92,500 papers in 47 f. b., 76 bdl.
Orders committing prisoners, showing date, name of municipality from which committed, name of defendant, charges, verdict, sentence, and seal of committing official. Beginning 1930, each order is accompanied by a case history sheet, showing cell no. and location, name and address of prisoner, sex, charges, place and date of birth, citizenship, occupation, criminal history, health and educational record, marital status, number of children, military service, and name of committing judge or magistrate. Arr. chron. by date of commitment. No index. Hdw. on ptd. fm. F. b. 19½ x 4½ x 11, bdl. 8 x 9½ x 3. 1870-99, 1907-26, 76 bdl., bsmt. vlt.; 1900-1906, 1927--, 47 f. b., record strm.

291. (PRISONERS COMMITTED), 1930--. 20,000 cards in 3 Kardex trays.
List of prisoners in county prison, showing cell no., name and address of prisoner, charges, date admitted, committing judge or magistrate, term of sentence, date of discharge. Different colored cards are used to distinguish prisoners remanded for sentence or awaiting trial, those sentenced by magistrates, and by federal judges. When prisoner is discharged, card is removed and placed in (Prisoners Discharged), entry 309. Arr. num. by cell no. No index. Hdw. on ptd. fm. 6 x 14 x 29. Off.

292. REGISTER (of Commitments), 1873--. 13 vols. Title varies: Quarterly Report, 1873-1934, 10 vols.
Quarterly report of all prisoners received, showing register no., name, age, color, birthplace, and occupation, dates of hearing and commitment, names of delivering and committing officials, charges, date of conviction, name of institution to which sentenced, record of previous convictions, sentence imposed, date and manner of discharge. Also contains: Convict Description Docket, 1925--, entry 311. Arr. chron. by date of commitment. 1873-1902, no index; for index 1903--, see entry 293. Hdw. Aver. 201 pp. 21 x 17 x 2. 1873-1929, 7 vols., bsmt. vlt.; 1930--, 6 vols., off.

293. INDEX TO THE REGISTER OF COMMITMENTS, 1903--. 22 vols.
Alphabetical index to Register (of Commitments), showing name and address of prisoner, vol. and p. Arr. alph. by first letter of surname of prisoner, entries made chron. Hdw. on ptd. fm. Aver. 200 pp. 13 x 8 x 1½. Record strm.

294. INDICTMENT BOOK, 1922--. 3 vols. Title varies: Sentence Book, 1929-33, 1 vol.
Record of all prisoners sentenced to confinement in county prison, showing name of defendant, court term and case no., indictment, verdict, sentence imposed, name of judge and date of parole or discharge. Arr. chron. by date of entry. Indexed alph. by name of prisoner. Hdw. on ptd. fm. Aver. 250 pp. 14 x 9½ x 2. Record strm.

295. PRISONERS AND VAGRANT DOCKET, 1870-82. 2 vols. Title varies. Commitment Docket, 1870-72, 1 vol.

Record of commitments to the county prison, showing date, name, charges, place where offense was committed, by whom sentenced, date and reasons for discharge. Arr. chron. by date of commitment. No index. Hdw. on ptd. fm. Aver. 464 pp. 18 x 12½ x 2. Bsmt. vlt.

296. COMPILATION OF COMMITMENTS BY LUZERNE COUNTY COURTS, JUSTICES OF THE PEACE, ETC., TO LUZERNE COUNTY PRISON, 1873-1931. 1 chart.
Statistical summary of commitments of Luzerne County offenders to penal and correctional institutions, showing name of institution, type of crime, number sentenced, length of term, and actual number of days served. Typed. 31 x 22½. Fingerprint dept.

297. RECORD (of Sentences to Penitentiary, Huntingdon, County Prison), 1907-14, 1918-22. 2 vols. 1923-- in Pennsylvania Industrial Reformatory (Commitments), entry 298; Eastern Penitentiary (Docket), entry 299.
Record of prisoners sentenced to Eastern Penitentiary, Pennsylvania Industrial School at Huntingdon and the county prison, showing date of sentence, name of defendant, court term and case no., indictment, verdict, sentence, and name of judge. Arr. chron. by date of sentence. Indexed alph. by first letter of surname of defendant. Hdw. Aver. 500 pp. 14 x 9 x 2. Record strm.

298. PENNSYLVANIA INDUSTRIAL REFORMATORY (Commitments), 1923--. 1 vol.
Record of indictments and commitments to Pennsylvania Industrial School at Huntingdon, showing date of sentence, name of defendant, court term and case no., indictment, verdict, sentence, date of commitment, statement of first offense, and name of judge. Also contains: Record (of Sentences to Penitentiary, Huntingdon, County Prison), entry 297. Arr. chron. by date of sentence. Indexed alph. by first letter of surname of defendant. Hdw. on ptd. fm. 298 pp. 14 x 9½ x 2. Record strm.

299. EASTERN PENITENTIARY (Docket), 1920--. 2 vols.
Record of transfers of prisoners to the Eastern Penitentiary, showing date of sentence, name of defendant, court term and case no., charges, verdict, sentence, name of judge, and date of transfer. Also contains: Record (of Sentences to Penitentiary, Huntingdon, County Prison), 1923--, entry 297. Arr. chron. by date of sentence. Indexed alph. by first letter of surname of prisoner. Hdw. on ptd. fm. Aver. 298 pp. 14 x 9½ x 2. Record strm.

Jail Records

300. TIME BOOK, 1870--. 29 vols. Title varies: Time Register for Board of Prisoners, 1870-74; Board Book, 1875; Board Blotter for Regulars, 1876-83; Prisoners' Board Book, 1884-1921.
Daily record of time served by each prisoner, showing date and name of prisoner. Prior to 1899 record shows also total cost of board per day of all prisoners and rate per day for each prisoner. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. Aver. 100 pp. 14 x 9 x ½. 1870-1920, 21 vols., bsmt. vlt.; 1921--, 8 vols., record strm.

301. (Prison) KEEPER'S REPORT, 1930--. 290,000 papers in 78 bdl.
Daily report of prison keepers, showing date, time of shift, name of wing, number

of men housed in each wing, names of men admitted and released, names of men changed, giving new and original cell nos., time of inspection, and signature of keeper. Arr. chron. by date of report. No index. Hdw. on ptd. fm. 8 x 3 x 1. Record strm.

302. (INMATE RECORD), 1915-25. 2 vols.
Daily record of prisoners, showing total number of prisoners, date of record, cell no. and number of prisoners in each cell. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. Aver. 100 pp. 16 x 10 x 4½. Bsmt. vlt.

303. PHYSICIAN'S REPORT, 1930--. 500 reports in 3 f. b.
Physician's reports of prisoners receiving medical treatment, showing date, name of wing, cell no., names of prisoner and keeper, doctor's and nurse's report and signatures. Arr. alph. by name of prisoner. No index. Hdw. on ptd. fm. 10 x 4 x 16. Off.

304. MEDICAL REGISTER, 1871-1919. 3 vols.
Record of admissions and discharges of prisoners treated in prison dispensary. Admissions show register no., date, name, age, sex, color, birthplace, occupation, and cell no. of prisoner, state of physical and mental health, marital status, if inoculated against smallpox, hereditary diseases in family, number of convictions and length of sentence. Discharges show date, register no., name, age, sex, color, state of physical and mental health, health during prison sentence and date of pardon or death. Arr. chron. by date of admission. No index. Hdw. on ptd. fm. Aver. 300 pp. 18 x 15 x 2. Bsmt. vlt.

305. PROPERTY TAKEN FROM PERSONS UPON ENTERING PRISON OR WHILE CONFINED, 1927--. 4 vols. 1924-26 in Sheriff's Docket, entry 277.
Record of property taken from prisoners upon entering prison or while confined, showing date, entry no., name and no. of prisoner, date received, name of clerk, cash and other articles taken, record of search by keeper, name of keeper, and receipt for property returned to prisoner upon discharge. Arr. chron. by date of entry, and num. by entry no. No index. Hdw. on ptd. fm. Aver. 400 pp. 14½ x 24 x 2. Record strm.

306. DOCKET (Criminal Court Docket), 1870-1907. 4 vols.
Record of criminal cases kept by jail warden for his own use, showing name of defendant, court term and case no., indictment, verdict, sentence if imprisoned, date and reason for discharge. Arr. chron. by date of entry. Indexed alph. by name of defendant. Hdw. Aver. 263 pp. 13½ x 9 x 1. Bsmt. vlt.

307. WARDEN'S JOURNAL, 1870-1907. 1 vol. Discontinued.
Unofficial diary kept by warden in which he entered day by day happenings in the county prison, including expenditures for supplies and repairs, inventories of warden's dwelling apartments for 1872, 1874, and 1878, names of official visitors, deaths and escapes. Arr. chron. by date of entry. No index. Hdw. 480 pp. 16 x 12 x 2½. Bsmt. vlt.

Discharges
(See also entries 193, 323-325, 421)

308. DISCHARGES, 1854--. 92,500 papers in 48 f. b., 26 bdl. Title varies: Penitentiary and Jail Discharges, 1854-77, 1 f. b.

Original orders to release prisoners, showing name of issuing agency, names of parties, indictment, verdict, order to release defendent, date of order and signature of issuing official. Arr. chron. by date of issue. No index. Hdw. and hdw. on ptd. fm. F.b. 9½ x 4½ x 11; bdl. 8 x 9½ x 3. 1854-77, 1 f. b., clk. of cts. bsmt. vlt.; 1870-1926, 26 bdl., bsmt. vlt.; 1927--, 47 f.b., record strm.

309. (PRISONERS DISCHARGED), 1930--. 18,000 cards in 10 cardboard boxes. Record cards of discharged prisoners, showing cell no., name and address of prisoner, date admitted, name of committing official, sentence, and date of discharge. When a prisoner is discharged his card is removed from (Prisoners Committed), entry 291, and placed in this file. Arr. chron. by date of discharge. No index. Typed on ptd. fm. 5 x 13 x 8. Record strm.

310. DISCHARGE DESCRIPTION DOCKET, 1872-1920. 1 vol.
Record of discharged prisoners, showing date of discharge, name and no. of prisoner, age, color, sex, charges, date and term of sentence, reasons for discharge or detention, number of days served, number of times punished, occupation and education in prison, weight when discharged, amount earned, and intended residence. Arr. chron. by date of discharge. No index. Hdw. on ptd. fm. 280 pp. 20 x 14 x 2. Bsmt. vlt.

Identification of Prisoners

311. CONVICT DESCRIPTION DOCKET, 1870-1924. 2 vols. 1925-- in Register (Of Commitments), entry 292.
Description of convicts, showing name and no. of prisoner, date committed, age, color, sex, nativity, physical description, age at time of death of parents, home environment, education and employment background, marital status, number of children, military record, charges, sentence, and prison record. 1870-72, 1 vol., omits age at time of death of parents, home environment, educational and employment background, marital status, number of children and military record. Arr. chron. by date committed. No index. Hdw. on ptd. fm. Aver. 250 pp. 23 x 19 x 2. Bsmt. vlt.

312. (FINGERPRINT FORMS AND INTELLIGENCE REPORTS), 1931--. 3,000 records in 2 f. d.
Case histories of prisoners committed, showing name and aliases, sex, age, physical description, nationality, photographs, fingerprint no. with classification, habits, associates, marital and family status, education, and detailed criminal record with notation of sources of information. Arr. alph. by name and aliases of prisoner. Typed on mimeo. fm. 11½ x 13½ x 29. Fingerprint dept.

313. FINGERPRINT RECORDS, 1931--. 3,000 cards in 2 f. d.
File of fingerprints of prisoners, showing name, aliases, sex, color, file and classification nos., fingerprints and classification, place and by whom taken and classified, photograph, charges, criminal and prison record, physical description, nationality, birthplace, occupation, education, marital status, and signature of prisoner. Arr. alph. by name of prisoner. Hdw. on ptd. fm. 8 x 8 x 27. Fingerprint dept.

314. FINGERPRINT INDEX, (Master Card Record), 1931--. 4,000 cards in 1 Kardex tray.

Jail Warden - Equipment and Supplies; Accounts (315-319)

Alphabetical card index to Fingerprint Records, showing name and aliases of prisoner, file no., fingerprint classification and charges. Hdw. on ptd. fm. 6 x 14 x 29. Fingerprint dept.

Equipment and Supplies

315. INVOICES, 1899-1902. 2 vols.
Duplicate invoices for equipment and supplies for county prison, showing date from whom purchased, items purchased, and amount of purchase. Arr. chron. by date of invoice. No index. Hdw. on ptd. fm. Aver. 354 pp. 15 x 11 x 4. Bsmt. vlt.

Accounts
(See also entries 403, 404, 421)

316. JOURNAL, 1899--. 11 vols. Title varies: Day Book, 1899-1919, 4 vols.
Monthly expense account for maintenance of prison including salaries of officials, showing date, name of payee, item no., amount and purpose of expenditure and total monthly amount. Arr. chron. by date of entry. No index. Hdw. Aver. 152 pp. 14 x 8 x $\frac{1}{2}$. 1899-1925, 5 vols., bsmt. vlt.; 1926--, 6 vols., off.

317. FEE BOOK, LUZERNE COUNTY PRISON, 1877-1902. 1 vol.
Record of money received by keeper of the county prison for fees earned, sale of prison manufactured goods, and fines and costs, showing name of keeper, date received, payer, for what service or for what articles, amounts chargeable to county, total amounts, and date forwarded to county treasurer. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. 305 pp. 16 x 11$\frac{1}{2}$ x 1$\frac{1}{2}$. Bsmt. vlt.

318. ACCOUNT OF PROVISIONS (Luzerne County Prison), 1899-1901. 1 vol.
Monthly record of cost of provisions furnished to county prison, showing date, articles purchased, source, costs, total cost for month. Also contains separate account for the warden's family. Arr. chron. by date of entry. No index. Hdw. 200 pp. 14 x 9 x 1. Bsmt. vlt.

319. CASH BOOK; 1873-96. 5 vols.
Record of cash received and expended for materials manufactured and sold by prisoners, showing amount received, name of buyer of goods, amount expended with purpose, amount sent to county treasurer, and balance on hand. Arr. chron. by date of entry. No index. Hdw. Aver. 252 pp. 14 x 9 x 1 1/4. Bsmt. vlt.

XIV. PRISON COMMISSIONERS

The jails of colonial Pennsylvania were supervised and controlled by the sheriffs, who were entirely responsible for their maintenance and for the safekeeping of the inmates (1) (see Sheriff). This sole responsibility continued in Luzerne County until 1868, when a special act set up the board of prison commissioners, consisting of the board of county commissioners and two citizens appointed yearly by the judges of the court of quarter sessions (2). The salaries of the prison commissioners are paid by the county, which also furnishes them with necessary supplies. They have no office, meeting in the office of the board of county commissioners on the first floor of the courthouse.

The prison commissioners have the responsibility of managing the county prison and the prisoners. They meet monthly, or more often if necessary, a majority of the commissioners constituting a quorum for the transaction of business. With the approval of the court of quarter sessions, they make such rules and regulations as are necessary for the government and management of the prison and the safekeeping, discipline, and employment of the prisoners,

They appoint a warden of the prison (see Jail Warden), attendants, a physician, and a matron (3).

The prison commissioners make an annual report to the court of quarter sessions on the condition of the prison (3); keep regular minutes of their proceedings; and bills and vouchers of expenditures (4). Their records are kept in the prison building.

320. PRISON BOARD MINUTES, 1873--. 3 vols. Not open to the public. Minutes of the monthly meetings, showing date, names of presiding officer and members present, business transacted, and signature of secretary. Arr. chron. by date of meeting. No index. Hdw. Aver. 300 pp. 12 x 18 x 3. Jail warden's off. safe.

321. BILLS (AND VOUCHERS), 1907--. 9,500 papers in 21 bdl.
Bills and vouchers for services and supplies. Bills show date, item purchased, names of creditor and debtor, and amount due; vouchers show voucher no., date, amount, name and address of payee, and signatures of president and secretary of prison board. Arr. chron. by date of voucher. No index. Hdw. on ptd. fm. 9 x 8 x 4. Bsmt. vlt.

1- H.S. Gilbertson, The County, New York, 1917, p. 12. 2- 1868 PL 917 s 1. 3- Ibid., s 2 art. 1. 4- Ibid., s 9.

(Next entry 322, p. 140)

XV. THE PROBATION OFFICE

The court of quarter sessions has wide jurisdiction in cases involving family problems, and delinquent and dependent children. Under the poor law, and the acts of 1867 and 1895 this court adjudicates questions of non-support and desertion of wives, family, children, and incapacitated parents; under the act of 1903 it deals with children except where questions of adoption are involved; under the act of 1860 it has jurisdiction in proceedings concerning illegitimacy (1).

Juvenile court sessions are held by the court of quarter sessions each Saturday morning, while domestic relation cases are heard on the first and third Friday of each month.

Under the act of 1903 (2) the judges of the court of quarter sessions have authority to appoint probation officers for children charged with delinquency or neglect, and under the acts of 1909 (3) and 1911 (4), to appoint probation officers for adult offenders in criminal, non-support, and desertion cases. Under the act of 1913 (5), the judges may also appoint desertion probation officers to collect support orders, and to supervise probationers in non-support and desertion proceedings. Their functions have been extended to include the collection of support orders made for children in illegitimacy proceedings (6).

According to Pennsylvania law, women probationers must be supervised by women, and men probationers, by men (7).

The probation office of Luzerne County was established in 1913, and is in charge of four salaried probation officers. The chief probation officer is concerned with the general supervision of all probation work and parole cases including supervision of cases involving desertion and non-support. There are two women probation officers who are field workers, and whose time is occupied primarily with desertion and non-support cases. They also make investigations upon request of the court in juvenile cases. A third field worker reviews investigations made by private agencies in fornication and bastardy cases, is responsible for all collections in such cases, and supervises delinquent girls and the hospitalization of women. In domestic relation cases the person supervising the case collects the cost.

From time to time, probation officers must make reports of cases involving juvenile delinquents to the court of quarter sessions (8). Although not required by statute to make reports in cases of domestic relations to the court, the

1- Leon Stern, The Treatment of Adult Offenders and Children in Luzerne County, Pennsylvania, Pennsylvania Committee on Penal Affairs, Philadelphia, 1929, pp. 8, 9. 2- 1903 PL 274. 3- 1909 PL 495. 4- 1911 PL 1055. 5- 1913 PL 502. 6- Stern, op. cit., p. 11. 7- 1909 PL 495 s 3; 1911 PL 1055 s 3; 1919 PL 569 s 1. 8- 1933 PL 1433 s 17.

The Probation Office - Supervision of Released Prisoners; Accounts (322-326)

probation officers submit reports to the court when necessity arises, mainly when the defendant fails to comply with a support order. These reports contain additional information on the environment, earnings, and attitudes of the family under investigation. The State Department of Welfare has the power to request periodical information of the work performed by the probation officers (9).

The accounts of the probation officers must be audited by the county controller (10).

All records of the probation officers are kept in the county courthouse. No records of this office prior to 1924 were found by the Survey except cancelled checks. Prior records were removed by former probation officers.

Supervision of Released Prisoners
(See also entries 193-197)

322. CASE HISTORIES, 1924--. 8,000 papers in 20 f.d.
Complete case histories of probation cases, containing biographical and physical information, crime record, dates of probationary period, reports of investigators, dates and reports of defendant to office, showing name of defendant, type of case, names of prosecutor and plaintiff, date and character of report, and disposition of case. Arr. alph. by name of defendant. For index see entries 324, 325. Hdw. on ptd. fm. 12 x 14 x 30. Off.

323. COURT SHEETS, 1924--. 15 vols.
Record of testimony taken in cases referred to probation office, showing court term and case no., names of defendant, prosecutor, and witnesses, charges, testimony taken, and disposition of case. Arr. chron. by court term. Typed on ptd. fm. Lver. 486 pp. 14 x 10 x 2. Off.

324. VISIBLE CARD INDEX (Criminal Cases), 1924--. 900 cards in 18 Kardex trays.
Index to cases referred to probation office by criminal court, showing name and address of defendant, name of prosecutor, and record of defendant's employment. Arr. alph. by name of defendant. Typed on ptd. fm. 1 x 8 x 24. Off.

325. VISIBLE CARD INDEX (Domestic Relations Cases), 1924--. 2,000 cards in 42 Kardex trays.
Index to cases referred to probation office by domestic relations court, showing name and address of defendant, name of prosecutor, and record of defendant's employment. Arr. alph. by name of defendant. Typed on ptd. fm. 1 x 8 x 24. Off.

Accounts

326. ACCOUNT BOOKS, 1924--. 8 vols.
Record of payments made by defendants in probation cases, showing names and

9- 1929 PL 177 s 2311. 10- 1929 PL 1278 s 372.1 added 1931 PL 401 s 12.

addresses of defendant and person receiving payment, date and amount of payment. Arr. alph. by name of payer. No index. Typed. Aver. 500 pp. 12 x 18 x 2½. Off.

327. (CANCELLED PROBATION OFFICE CHECKS), 1921--. 25,000 records in 15 f.b. and 16 bdl.

Cancelled checks, showing check no., date issued, amount, name of payer, signature of payee and probation officer. Arr. chron. by date of check. No index. Hdw. on ptd. fm. F.b. 10 x 5 x 14, bdl. 3 x 8 x 10. 1921-32, 15 f.b., comms. bsmt. vlt.; 1933--, 16 bdl., off.

(Next entry 328, p. 143)

XVI. THE LUZERNE COUNTY INDUSTRIAL SCHOOL FOR BOYS

The Luzerne County Industrial School for Boys is the official name of the institution established by Luzerne County in 1912 (1) at a site now known as Kis-Lyn. It was suggested that the railway station and post office at the institution be named "Kis-Lyn" in honor of Mr. Elliot P. Kisner of Hazleton and Judge John Lynch of Wilkes-Barre, two outstanding citizens of the county interested in juvenile work. The name of "Kis-Lyn" has since been applied frequently to the institution itself. Boys admitted to the Industrial School are the juvenile delinquent wards of Luzerne County as defined by the General Assembly in 1933 (2). By special arrangement those from other counties may be admitted. Boys with an intelligence rating below 0.65 are rarely accepted, and no boys are admitted who have passed their seventeenth birthday at the time of entry.

The school is under the jurisdiction of a board of managers composed of the three county commissioners and nine other persons appointed by the judges of the court of common pleas. The judges also have the power to fill vacancies and to remove any of the managers. This board is required to make a report at least once every six months to the court (3). The board selects a superintendent trained in educational and social work (4), and chooses the teaching personnel, and fixes their salaries (5).

The board of managers is charged with the responsibility of making up an estimate of the money required each year for equipment and maintenance of the school. This estimate is certified to the county commissioners in order that they may make provisions for the school in the annual tax levy or by a bond issue (6).

The school is built and operated upon the "cottage system" (7), whereby the boys are segregated into as many as eleven different groups depending upon such factors as age, degree of delinquency, and mental capacity. Each group is under the supervision of a man and wife known as the "manager" and the "matron". The school itself is supplementary to the public school system (8). It offers instruction in all grades through those of the high school. Besides formal instruction, shop classes are organized each year which provide practical training in carpentry, automobile mechanics, and electrical engineering.

Upon receipt of a recommendation from the superintendent and the board of managers the committing court may release a delinquent boy (9) at any time after he has completed earning the necessary credits. Upon entry he is charged with 1,700 units. If he conducts himself properly this number is reduced by three units a day. In case his conduct is poor and results in the failure to earn one or more credits a day, his term of detention is lengthened. As soon as his

1- Pursuant to 1909 PL 302; 1911 PL 262 s 2. 2- 1933 PL 1433 s 1. 3- 1909 PL 302 s 5; 1911 PL 262 s 3. 4- 1909 PL 302 s 4; 1913 PL 263 s 1. 5- 1909 PL 302 s 8. 6- 1909 PL 302 s 1 on, 1911 PL 18 s 1. 7- 1909 PL 302 s 1; 1911 PL 262 s 2. 8- 1911 PL 2. 9- 1909 PL 302 s 4; 1913 PL 263 s 1.

account reaches one hundred he is eligible for discharge, provided he has not run away from the institution at any time.

Medical or surgical attention is supplied in all cases where a physician's services are required. It is his duty to examine incoming boys for possible handicaps or diseases. A staff dentist is in attendance two days of the week.

There are no specific case records required by statute. Careful and complete records exist, however, of the history, the medical and dental examinations of each boy, and his school record. Copies of fingerprint records are sent to the Federal Bureau of Investigation and to the Pennsylvania Motor Police. All records except fingerprint records are kept on forms prepared by the superintendent, and will be found in his office.

328. (CASE RECORDS), 1912--. 33,800 papers in 16 f.b. (A-Z by contained letters of alphabet).

Complete case history for each boy admitted, including case, school, fingerprint, and conduct records, physical and dental examinations, information for cottage manager and principal of school, and notice of parole or discharge. Case records show serial no., name, address, age, date of birth, physical description, nationality, religion, names of last attended school and principal, grade, charge, name of arresting officer, date received at school and from whom, date of record; names of parents and other relatives, with occupation of father; any other information available with name of person supplying same. School records include form sent to and returned by principals of schools formerly attended, showing name and address, grade and years of last attendance, last promotion, date of birth, conduct and intelligence rating, and signature of associate superintendent of Kis-Lyn; also Kis-Lyn school record, showing serial no., name, date of birth, grade, name and address of school last attended, summary of school work with year, grade, subjects, monthly and quarterly examination averages, promotion, and signature of school principal. Conduct record shows serial no., name of boy, dates of admission and possible parole, month, no. of demerits received, and date paroled or released. Physical examination shows serial no., name, date of examination, height and weight, condition of health, defects and handicaps, remarks and signature of physician. Dental examination shows serial no., name, dates of dental work and completion, general condition of mouth, extractions made, kind and no. of fillings, special work and treatments, remarks and signature of dentist. Information for cottage manager shows name, age, religious activities and school grade boy must attend and signature of superintende Information for principal of school shows name, age, grade boy must enter, date of entrance and signature of superintendent. Notice of parole or discharge shows names of boy and committing official, dates of admittance and discharge, age and physical description, school grade and record, remarks and signature of superintendent. All records for each boy filed together alph. by name of boy. No index. Typed, and hdw. on ptd. fm. 12 x 12 x 24.

For other records of juvenile delinquency see also entries 193-197.

(Next entry 329, p. 145)

XVII. JURY COMMISSIONERS

The jury commissioners were established by statute in 1867 to perform duties previously exercised by the sheriff and the board of county commissioners in the selection of juries (1) (see Sheriff and Board of County Commissioners). Two jury commissioners were elected triennially until 1909 when the tenure was increased to four years by an amendment to the constitution (2). Jury commissioners are not eligible for reelection in the next succeeding term. No person is permitted to vote for more than one candidate, and the two persons having the highest number of votes are elected (3). Jury commissioners are required to take an oath of office, which must be filed in the office of the prothonotary (4). Vacancies are filled by the president judge of the court of common pleas (5). Salaries are fixed by statute (6).

In 1925, in third class counties, such as Luzerne, a new system of selecting juries went into effect. A board of jury commissioners, composed either of two jury commissioners and one judge of the court of common pleas or one commissioner and two judges, supervised the selection of jurors (7). Under this system the judges were given the right to select a larger number of names of citizens to be placed into the annual jury wheel, and the right to veto a certain number of names submitted. The court of common pleas was authorized to appoint a clerk to the jury board to serve at the pleasure of the court. The board was abolished in 1937, when its powers and duties were transferred to the jury commissioners. However, a clerk, known as the secretary to the judges, and appointed by them, still functions as an important officer in the selection of jurors (8).

The jury commissioners must meet once a year to select jurors for a jury list. Each commissioner's list is delivered to the clerk, who combines the two into one complete list. This must be returned to each jury commissioner on or before October 15th. In November the jury commissioners are required to select the official jury list, the names of which must then be arranged alphabetically, numbered by the clerk, and signed by him and the jury commissioners. A copy must be sent to the prothonotary, which copy is open for inspection only by the order of the court; and another copy must be sent to the president judge of the court of common pleas (9).

The clerk must then prepare typewritten slips showing the names, occupations, and addresses of persons on the jury list, and place them in the jury wheel in the presence of the jury commissioners at a time designated by the president judge of the court of common pleas. The wheel must then be locked by the sheriff and the jury commissioners. The court may prescribe the form

1- 1867 PL 62 s 1. 2- Const., art. XIV s 2 am. 1909. 3- 1867 PL 62 s 1; 1929 PL 1278 s 293; 1931 PL 401 s 1. 4- 1929 PL 1278 s 53. 5- 1867 PL 62 s 7; 1929 PL 1278 s 294. 6- 1867 PL 13 s 15; 1881 PL 21 s 1; 1887 PL 301 s 1; 1901 PL 641 s 1. 7- 1925 PL 244 s 1 rep. 1937 PL 2782 s 6. 8- 1925 PL 244 s 3 am. 1937 PL 2782 s 3. 9- 1874 PL 46 s 3 am. 1925 PL 244 s 3 am. 1937 PL 2782 s 3.

of jury wheel, and determine who shall have the care and custody of the wheel and its keys (10).

At least thirty days before each term of court, name-slips are withdrawn equal to the number of jurors which the jury commissioners have been directed to impanel and summon for each week of the term of court, and twenty-four name-slips of jurors to be summoned for the grand jury. A list of persons so drawn must be posted in the offices of the prothonotary and the clerk of courts at least twenty-five days before the first session of the court or grand jury (11) (see Grand Jury).

After the name-slips are withdrawn and compared by the clerk with the corresponding name on the official jury list, and found to be correct, the clerk must copy the name and time of service in a "jury book". A new list is compiled every year. The name-slips are held for safe-keeping for a year as the court may direct, and are then destroyed unless the court orders otherwise (12). The list of jurors from 1875 to 1903 are kept in the prothonotary's office, and from 1904 to the present, in the office of the secretary to the judges.

The records of the Luzerne County jury commissioners are kept in the office of the secretary to the judges on the third floor of the courthouse.

(See also entry 78)

329. JURY LIST, 1937--. 2,500 cards in 1 f.b. Record destroyed at end of each year.
Names submitted by jury commissioners for selection of jurymen, showing name, address, and occupation of jurors, and initials of jury commissioner. Arr. alph. by name of proposed juryman. No index. 4 x 5 x 16.

330. JURY BOOK, CERTIFIED, 1931--. 7 vols.
List of names of persons submitted by the jury commissioners for service on juries, showing date, name, address, and occupation. Arr. alph. by name of proposed juryman. No index. Typed. Aver. 80 pp. $13\frac{1}{2}$ x 8 x $\frac{1}{2}$.

10- 1925 PL 244 s 4 am. 1937 PL 2782 s 2. 11- 1925 PL 244 s 5; 1929 PL 495 s 1 am. 1937 PL 2782 s 3. 12- 1925 PL 244 s 6 am. 1937 PL 2782 s 4.

(Next entry 331, p. 148)

XVIII. THE BOARD FOR THE ASSESSMENT AND REVISION OF TAXES

County supervision over the assessment of property has been elaborately provided for by legislation for over two hundred and fifty years. From 1682 to 1696 the county court of sessions (see Governmental Organization and Records System) estimated the general county expenses and made an assessment. In 1696 a new system was inaugurated, which shifted the assessment function to a body of six elected county assessors, who acted in conjunction with the court. Local constables made up a list of taxables in their district, together with a valuation of property subject to taxation, and heard all appeals. In 1724 the fiscal machinery of the county was further developed. Three commissioners were provided for, who with the six assessors were required to perform functions hitherto discharged by the court. The county commissioners issued precepts to the constables to make assessments, and were constituted a tribunal for hearing appeals. An advance toward the present system was made in 1779 when the assessment board, consisting of the three county commissioners and the six assessors, were required to appoint two assistant assessors for each township to discharge duties hitherto exercised by the constables in making up the list of taxables and property. At the same time it was enacted that a county assessor with two assistants should make up the assessments for each district (1). In 1780 the six county assessors were eliminated from county government, and the county commissioners made the sole supervisors of the assessment function (2). They now appointed all township and borough assessors.

Until the establishment of the board for the assessment and revision of taxes in Luzerne County in 1912, the board of county commissioners remained the chief assessment agency of the county. Every third year the commissioners were required to issue a notice to local assessors requiring them to return property and occupational valuations (3). The local assessors were also required to make a specific return to the county commissioners of the names of those subject to military duty. It was the duty of the county commissioners to record this roll in a book (4); compile a county census; make separate lists of the deaf, dumb (5), and blind (6), copies of which the county commissioners must file in the office of the clerk of the court of quarter sessions (7), and send to the governor (8).

In 1910, Luzerne County having reached a population of over 300,000, came under the provisions of an act which provided for a board of three general assessors instead of elected assessors in the boroughs and townships. In Luzerne County the new assessment function was put into effect in 1912. The members of the board were appointed by the court of common pleas. The board was authorized to appoint as many assistants as were needed. The salary of the members of the board was set by statute, while the assistants were paid at a per diem rate (9).

1- E.R.L. Gould, Local Government in Pennsylvania, Baltimore, 1883, I, 27, 28. 2- 1780, VIII St. at L. 23 s 6, 3- 1799, 4 Dall 508 s 7, 8; 1834 PL 507 s 2, 4. 4- 1858 PL 421; 1887 PL 23 s 111; 1899 PL 266 s 3 rep. 1921 PL 54 No. 27 s 1. 5- 1821, 7 Sm L 341 s 1. 6- 1836 PL 328 s 2. 7- 1821, 7 Sm L 341 s 3. 8- 1821, 7 Sm L 341 s 2. 9- 1905 PL 47 rep. 1931 PL 1379 s 22.

The Board for the Assessment and Revision of Taxes (Next entry 331, p. 148)

In 1931 the composition of the board was changed. Now the board is composed of three citizens appointed by the county commissioners instead of the court. The members serve for four-year terms, and their salaries are fixed by the salary board of the county (10). The board appoints subordinate assessors in the assessment districts into which the county is divided. It may also appoint an engineer, clerks (11), and a solicitor (12).

The present board supervises the assessment of persons, property, and occupations for county, local, and poor tax purposes except in third class cities (13). It prescribes rules and regulations for the conduct of subordinate assessors, determines when precepts shall be issued, and when returns shall be made in triennial and intertriennial years (14). The field assessors must make up the triennial assessment list, and between the triennial assessments may revise any list according to right and equity. They are required to add to this list the names of persons who have moved into their district and remove the names of those who have moved away (15). They must also prepare a list of all persons subject to a school tax (16).

The board examines and revises triennial assessments. After a revision is made the board is required to fix a time for hearing appeals on valuations (17); to give notice of the time and place of appeal by advertising in one or more newspapers printed in the county at least three weeks before the time of appeal; to give printed notice to the owner of property of the time and place of appeal five days before the hearing (18). After the final hearing dissatisfied taxables may appeal to the court of common pleas (19).

In Luzerne County a personal property tax office is an adjunct of the board for the assessment and revision of taxes as well as the treasurer's office (see Treasurer). This office, established in 1913, aids in the assessment of the four mill personal property tax (20). This tax levied on mortgages, judgments, stocks, and bonds was for many years a state tax, but in 1913 it became a county tax as well (21). The prothonotary is required to file here a monthly statement of all instruments securing debt filed in his office (22), and the recorder of deeds, copies of mortgages filed in his office (23).

Records listed under the board for the assessment and revision of taxes antedate the establishment of the office. Assessment records prior to 1910 belonged to the board of county commissioners, which had supervision over the assessment function.

10- 1931 PL 1379 s 1. 11- Ibid., s 4. 12- Ibid., s 2. 13- Ibid., s 3. 14- Ibid., s 5. 15- Ibid., s 10. 16- Ibid., s 6. 17- Ibid., s 7. 18- 1931 PL 1379 s 8; 1935 PL 27 s 1. 19- 1931 PL 1379 s 7. 20- 1913 PL 507 s 1. 21- Ibid., s 1. 22- Ibid., s 8. 23- Ibid., s 7.

Assessments

331. ORIGINAL TAX ASSESSMENTS, 1775--. 9,753 vols., 1,050 sheets in 31 folders, (labeled by name of civil division and date). 170 vols. missing.

List of assessments on land, persons, and property, showing names and occupations of all taxpayers, location, description, and valuation of all real and personal property, amounts of county, poor, and sinking fund taxes, and total tax. Also contains: Assessments of Coal Companies, 1775-1931, entry 332. Arr. alph. by name of taxpayer. No index. Hdw., 1775-1858; hdw. on ptd. fm., 1859--. Vols. aver. 200 pp. 8 x 6½ x 1¼. 1775-1869, 31 folders, 1796-1934, 9,387 vols., comms. bsmt. vlt.; 1934--, 366 vols., off.

332. ASSESSMENTS OF COAL COMPANIES, 1932--. 223 vols. (labeled by name of civil division and date). 1775-1931 in Original Tax Assessment, entry 331.

Record of annual assessment of all coal company property, showing name of owner or reputed owner, description and location of property, assessed value. Arr. alph. by name of municipality. No index. Hdw. on ptd. fm. Aver. 100 pp. 10 x 13 x ½. 1932-34, 130 vols., comms. bsmt. vlt.; 1935--, 93 vols., off.

333. ASSESSMENT MEMORANDA, 1873-74. 1 vol.

Memoranda in connection with assessments, showing name of municipality, whether copy of assessment was made and delivered to school directors, name of tax collector, date and amount of bond, number of taxpayers in Wilkes-Barre and Scranton in 1871, and dates set aside for each municipality for appeal from assessment. Arr. alph. by name of municipality, and chron. by date of memorandum. No index. Hdw. 50 pp. 6½ x 7½ x 3/8. Comms. bsmt. vlt.

334. COUNTY RATES AND LEVIES, 1811-12, 1814-22, 1826-28, 1832-50. 10 vols.

Record of county tax levies, showing name of municipality, tax year, name of warrantee, number of acres, valuation, and amount of state and county taxes. Arr. alph. by name of municipality and by name of warrantee. No index. Hdw. Aver. 300 pp. 8 x 12 x 3. Comms. bsmt. vlt.

335. STANDARD FOR TRIENNIAL ASSESSMENT, 1805, 1811, 1813-14, 1817, 1819-20, 1826, 1867-68. 11 vols.

Minutes of meetings of county commissioners in re triennial tax assessment, showing names of commissioners present, date of meeting, rate of assessment, names of assessors, and classification of property subject to taxation. Arr. chron. by date of meeting. No index. Hdw. Condition fair. Aver. 25 pp. 6 x 8 x ¼. Comms. bsmt. vlt.

336. LIST OF WILD LANDS RETURNED BY DEPUTY SURVEYOR, 1797. 1 vol.

Report on unseated lands in Luzerne County, showing names of original warrantee and present owner, description and location of land, assessed valuation, and amount of taxes levied. Arr. alph. by name of warrantee. No index. Hdw. 15 pp. 15 x 8 x ¼. Comms. bsmt. vlt.

337. UNSEATED LANDS, WARRANTEE NAMES AND BOUNDARIES, 1835. 2 vols.
List of unseated lands, showing description and location of land, and names of warrantees. Arr. alph. by name of T. No index. Hdw. Aver. 250 pp. 13 x 8 x 2. Comms. bsmt. vlt.

Taxation
(See also entries 2-8, 351-353, 373-377)

338. RECORD OF MORTGAGES, BONDS, JUDGMENTS, AND OTHER EVIDENCES OF DEBT, SUBJECT TO TAXATION, 1913--. 1,575 vols.
Record of personal property subject to taxation, showing name and address of taxpayer, character of instrument, and amount of tax. Arr. alph. by name of taxpayer. No index. Hdw. on ptd. fm. Aver. 100 pp. 9½ x 13½ x ½. Personal tax off.

339. RECORD OF MORTGAGES SUBJECT TO TAXATION, 1883-89, 1898--, 17 vols. (A-Z by contained letters of alphabet). Title varies: Mortgages Subject to Taxation, 1883-89, 1 vol.
Record from the recorder of deeds, of mortgages subject to taxation, showing names and addresses of mortgagor and mortgagee, name and address of assignee, description and location of property, amount and date of mortgage, date satisfied, and vol. and p. of Mortgage Book. Arr. alph. by name of municipality, entries made alph. by first letter of surname of mortgagee. No index. Hdw. on ptd. fm. Aver. 540 pp. 21 x 15 x 2½. 1883-89, 1 vol., janitor's bsmt. strm.; 1898-1927, 4 vols., proth. bsmt. vlt.; 1928--, 12 vols., personal tax off.

340. RECORD OF JUDGMENTS SUBJECT TO TAXATION, 1893-1931. 7 vols. (A-Y by contained letters of alphabet).
Record of judgments subject to taxation, showing names of parties, amount and type of judgment, court term and case no., date satisfied, address of plaintiff, and character of instrument securing debt. Arr. alph. by name of municipality in which judgment creditor resides. No index. Hdw. on ptd. fm. Aver. 300 pp. 20 x 15 x 3. Proth. bsmt. vlt.

341. (ROAD TAXES ON UNSEATED LANDS), 1830, 1843-46. 1 vol.
Record of road taxes due 1830, showing name of owner, number of acres, municipality, valuation, and amount of tax. Also contains: (Record of County Orders), 1843-46, entry 34. Arr. alph. by names of municipality and warrantee. No index. Hdw. 250 pp. 13 x 8 x 2. Comms. bsmt. vlt.

342. CENSUS OF 1814, 1814. 8 vols.
Census for purposes of taxation, compiled by township assessors, of all persons 21 years of age and over, showing name, address, age, sex, and occupation, names of municipality and tax assessor. Also a list of all negro and mulatto slaves with names of owners and number of slaves held. Arr. alph. by name of municipality. No index. Hdw. Aver. 25 pp. 6 x 8 x ¼. Comms. bsmt. vlt.

343. NON-RESIDENTS (Towanda, Canton, Abington, and Providence), 1815. 1 vol.
List of non-resident property owners in the twentieth collection district, showing name and address of property owner, assessed valuation, location and description of property, amount of tax, and date paid. Arr. alph. by name of property owner. No index. Hdw. 50 pp. 8 x 15 x ½. Comms. bsmt. vlt.

344. LIST OF LANDS BY ASSESSMENT DISTRICTS (Susquehanna and Bradford Counties), 1875. 1 vol.
List of property in townships of Lawsville, Harmony, Willingborough, and New Milford now in Susquehanna and Bradford Counties, formerly in Luzerne County, showing township and district, name of taxpayer, location and description of real and personal property, and assessed valuation. Arr. alph. by name of T. and assessment dist. No index. Hdw. Condition fair. 40 pp. 15 x 18 x $\frac{1}{2}$. Comms. bsmt. vlt.

345. APPEAL BOOKS (Ruling on Tax Appeals), 1799, 1801-2, 1804-9, 1811-24, 1826. 24 vols.
Minutes of meetings of county commissioners with their rulings on township appeals for tax corrections, showing date of meeting, names of commissioners present, tax collector, and assessor, reason for appeal, and final ruling. Arr. chron. by date of meeting. No index. Hdw. Aver. 25 pp. 8 x 6 x $\frac{1}{4}$. Comms. bsmt. vlt.

346. DUPLICATE ABATEMENTS, 1917--. 82 vols. and 4 bdl.
Duplicates of tax abatements, showing no., names and addresses of property owner and tax collector, amount and year of abatement, date certified, and signature of clerk. Arr. num. by abatement no. No index. Hdw. on ptd. fm. Vols. aver. 100 pp. 6 x 10 x 1; bdl. 6 x 10 x 3. Comms. bsmt. vlt.

347. EXONERATIONS, 1879, 1882, 1884-96, 1898-1922, 1925-29. 77 f.b. (dated).
Tax exonerations, showing date, names of taxpayer and collector, type and amount of exoneration, reason, year of tax, and name of official allowing exoneration. Arr. chron. by date of exoneration. No index. Hdw. on ptd. fm. 10 x 5 x 13. Comms. bsmt. vlt.

348. TAX EXONERATION BOOK, 1796-1806, 1922-23. 2 vols.
List of taxpayers recommended for tax exoneration, showing name of owner, location and description of property, type of tax, and reasons for exoneration. 1796-1806, arr. alph. by name of locality; 1922-23, arr. chron. by date of entry. No index. Hdw. Aver. 250 pp. 6 x 8 x 2. Eng. bsmt. vlt.

349. TAX EXONERATIONS (Townships of Luzerne County), 1796-1806. 1 vol.
Record of tax exonerations, showing description and location of property, and names of persons exonerated. Arr. alph. by Tps. No index. Hdw. on ptd. fm. Condition fair. 50 pp. 15 x 8 x $\frac{1}{4}$. Comms. bsmt. vlt.

350. EXONERATIONS ON PERSONAL TAXES, CITY OF WILKES-BARRE, 1926-27. 340 sheets in 1 bdl.
Exonerations on personal taxes and double assessments, showing taxpayer's no. and name, ward no., reason for exoneration, and amount. Arr. num. by wards, taxpayers listed alph. in each ward. No index. Typed on ptd. fm. 18 x 11 x 2. Cont. bsmt. vlt.

(Next entry 351, p. 153)

XIX. TREASURER

The office of county treasurer has been one of the most important fiscal offices of the county since 1700 when it was established. From this date until 1724 the six elected county assessors appointed the treasurer (1); from 1724 to 1780 he was designated by the county commissioners and the assessors together (2); from 1780 until 1841 by the county commissioners alone (3). In 1841 an act of the General Assembly provided for the biennial election of a county treasurer in all counties (4). He was made a constitutional officer by the Constitution of 1874 (5), and his tenure was extended to four years by an amendment to the constitution in 1909 (6). The treasurer may not succeed himself (7) and may be removed from office for inefficiency by the court of quarter sessions upon petition by the county commissioners (8). Vacancies are filled by the governor (9). The county treasurer receives a salary from the county as determined by statute, and in addition receives fees up to $1,000 for the collection of taxes due the state. Fees collected in excess of this amount are deposited in the county treasury.

The treasurer is required to take an oath of office, which must be filed with the prothonotary (10). He is further required to give bond in an amount fixed by the county commissioners for the faithful performance of his duties and for all money coming into his hands on behalf of the county (11). This bond must be filed in the controller's office (12). In addition, the treasurer must give bond with securities approved by at least two judges of the court of quarter sessions for the discharge of his duties in behalf of the Commonwealth, and for the payment of moneys received by him for the use of the Commonwealth, which must be recorded by the recorder of deeds. The original bond must be sent to the State Auditor General (13).

As cashier of county funds, the treasurer is required to receive all moneys accruing to the county, and to pay the same on warrants drawn by the commissioners (14), and countersigned by the controller (15). He must give in return duplicates of receipts for all payments made into the treasury (16). As bookkeeper, he is required to keep books containing disbursements and payments of county moneys (17); furnish the county commissioners with statements of county moneys received and disbursed, together with the names of tax collectors in whose hands any arrearages of taxes may remain, and the amount due (18); keep

1- 1700, XI St. at L. 34. 2- E.R.L. Gould, Local Government in Pennsylvania, Baltimore, 1883, I, 28. 3- 1780, X St. at L. 238 s 6. 4- 1841 PL 400 s 1. 5- Const., Art. XIV s 1. 6- Const., Art. XIV s 2 am. 1909. 7- Const., Art. XIV s 1. 8- 1841 PL 400 s 6; 1929 PL 1278 s 144. 9- 1905 PL 176 s 1; 1929 PL 1278 s 146. By 1841 PL 400 s 5 the board of county commissioners filled vacancies in the treasurer's office. 10- 1929 PL 1278 s 53. 11- 1929 PL 1278 s 143; 1933 PL 950 No. 185 s 1. 12- 1929 PL 1278 s 54; 1933 PL 946 No. 182 s 1. 13- 1929 PL 1278 s 145. 14- 1799, 4 Dall 508, 3 Sm L 393; 1834 PL 537 s 37; 1929 PL 1278 s 362. 15- 1895 PL 403 s 13; 1929 PL 1278 s 352. 16- 1895 PL 403 s 8; 1929 PL 1278 s 347. 17- 1700, XI St. at L. 34. 18- 1799, 4 Dall 508, 3 Sm L 393; 1834 PL 537 s 37; 1929 PL 1278 s 362.

a tax collectors' address book (19); keep separate records of delinquent road, school, and municipal taxes received by him, and at the end of each month distribute to the various treasurers of each district the amounts due (20); make daily reports to the controller of all county money received by him for the county and the names of persons from whom and on what account they were paid (21); record payments of delinquent taxes on seated and unseated lands (22).

As early as 1809 the powers of the sheriff in respect to the sale of lands for delinquent taxes were transferred to the treasurer (23). He must keep records of the details of these sales and submit a report to the court of common pleas of all collections of delinquent taxes or the sale of such property (24). When the county commissioners purchase the land the treasurer must deliver a deed and record the same (25).

The personal property tax office, established in 1913, is a separate collection agency of the treasurer's office for the collection of the four mill county personal property tax (26).

The treasurer serves as a collection agent for the Commonwealth. As cashier he receives license taxes for state purposes, and must make monthly payments to the State Treasurer of money received (27); transfers to the mercantile appraiser the latter's fee for making appraisements on mercantile establishments (see Mercantile Appraiser). As bookkeeper the treasurer must make a monthly return to the State Auditor General (27); keep books showing all fees collected by him, or paid over to him by the local justice of the peace (28), and keep separate accounts of state funds received from the following sources: mercantile licenses for retail and wholesale establishments (29), restaurants (30), pool rooms (31), theatres (32), night clubs (33) (see District Attorney), auctioneers (34), and brokers (35); resident (36) and non-resident hunting (37) licenses; resident (38) and non-resident (39) fishing licenses; dog and kennel licenses (40); and for collateral inheritance taxes where the register of wills has failed to give his bond (41).

Prior to 1937 the county treasurer was authorized to issue malt beverage retail dispenser licenses (42), but under the Beverage License Law (43) as amended and approved in 1937 this function was transferred to the State Liquor Board.

19- 1915 PL 11 s 1, 2. 20- 1811, 5 Sm L 251 s 1; 1854 PL 617 s 34; 1885 PL 187 s 13. 21- 1895 PL 403 s 8; 1929 PL 1278 s 347, 22- 1931 PL 280 s 3. 23- 1809 PL 192 s 1, 24- 1931 PL 280 s 9; 1935 PL 661 s 7. 25- 1840 PL 349 s 7 (seated lands); 1850 PL 569 s 33 (unseated lands). 26- 1913 PL 507 s 1. 27- 1893 PL 125 s 1. 28- 1834 PL 537 s 38. 29- 1899 PL 184 s 5. 30- 1849 PL 570 s 20, 31- 1907 PL 244 s 3. 32- 1913 PL 229 s 6. 33- 1927 PL 968 s 4, 6. 34- 1873 PL 332 s 1; 1921 PL 406 s 1. 35- 1907 PL 175 s 6. 36- 1913 PL 85 s 7; 1923 PL 359 s 308; 1929 PL 444 s 6; 1935 PL 151 s 1. 37- 1917 PL 151 s 2; 1923 PL 359 s 308; 1929 PL 441 s 6; 1935 PL 151 s 1. 38- 1925 PL 448 s 223; 1929 PL 451 s 4. 39- 1919 PL 778 s 6; 1925 PL 448 s 223; 1929 PL 451 s 4. 40- 1917 PL 818 s 4. 41- 1919 PL 521 s 22. 42- 1933 PL 252 s 6; 1933 Sp. Sess. Pl 75 No. 14 s 1; 1935 PL 1217 s 1. 43- 1937 PL 1827.

The treasurer receives a mercantile list from the State Department of Revenue which he files in his office. He also sits with the mercantile appraiser in appeal cases involving appraisements of mercantile establishments.

The treasurer, with the county commissioners and controller, must serve in the sinking fund commission (44) (see Sinking Fund Commission). In 1938 the county treasurer will become the treasurer of the county institution district by virtue of the law creating this district. He will be required to serve in this capacity without extra compensation (45).

The treasurer's accounts may be inspected and audited from time to time by the county controller (46).

Collection of Taxes

(See also entries 2-8, 338-350, 373-377)

351. CERTIFIED LIST TO TREASURER, 1823-25, 1829-31. 2 vols. Discontinued. Report to the treasurer from the commissioners of taxes due on unseated lands, showing name of taxpayer, assessed valuation of land, amount of taxes due for each year. Arr. chron. by date of entry. No index. Hdw. Aver. 150 pp. 13 x 8½ x 1½. Comms. bsmt. vlt.

352. TREASURER'S RECEIPTS, 1930-34, 1936--. 11 vols. Title varies: Sundry Treasurer's Receipts, 1930-32, 3 vols.
Duplicates of receipts for payment of taxes, showing receipt no., names and addresses of owner and tax collector, date, and amount received. Arr. num. by receipt no. No index. Hdw. on ptd. fm. Aver. 500 pp. 10 x 6½ x 4. 1931-32, 3 vols., cont. bsmt. vlt.; 1930, 1933-34, 1936--, 8 vols., off.

353. TAX COLLECTOR'S LEDGER, 1885--. 16 vols.
Record of collection of taxes by the tax collectors of each municipality, showing name of municipality, names and addresses of collector and taxpayer, amount of state, county, road, bridge, sinking fund, and other taxes collected, and date of receipt. Arr. alph. by name of municipality. Indexed alph. by political subdivision. Hdw. Aver. 300 pp. 18 x 12 x 3. 1885-1933, 15 vols., treas. bsmt. vlt.; 1934--, 1 vol., off.

Accounts

354. TREASURER'S CASH BOOK, 1844-49, 1859-62, 1879-87, 1889-93, 1901-6, 1908--. 47 vols.
Daily record of receipts and expenditures, showing date of receipt, source, and amount, date and item of expenditure, payee, and amount.. 1885-92 supplemented by entry 355. Arr. chron. by date of entry. No index. Hdw. Aver. 400 pp. 18 x 12 x 3. 1844-93, 1906, 1908-36, 41 vols., treas. bsmt. vlt.; 1901-5, 5 vols.,

44- 1911 PL 895 s 1; 1929 PL 1278 s 395. 45- 1937 PL 2017. 46- 1909 PL 434 s 13.

comns. bsmt. vlt.; 1937--, 1 vol., off.

355. ADDITIONAL TREASURER'S CASH BOOK, 1885-92. 4 vols. Discontinued. Title varies: Treasurer's Cash Book, 1885-88, 3 vols.
Record of money received from taxes, licenses, and sale of unseated lands, showing date and amounts received, and name of payer. Supplements entry 354. Arr. chron. by date of receipt. No index. Hdw. Condition poor. Aver. 100 pp. 18 x 12 x 2. 1885-89, 3 vols., cont. bsmt. vlt.; 1890-92, 1 vol., treas. bsmt. vlt.

356. CASH BOOK MEMORANDUM (County Treasurer), 1861-62. 1 vol.
Cash account book of county treasurer, showing cash debits and credits, amounts of cash on hand, name of debtor, amount paid, and balances. Arr. chron. by date of entry. No index. Hdw. Condition fair. 50 pp. 15 x 18 x ⅜. Comns. bsmt. vlt.

357. TREASURER'S LEDGER, 1858-72, 1879-84, 1891-93, 1897-1921, 1923--. 21 vols.
Treasurer's account of receipts and expenditures of county funds, showing date of entry, source of income, amounts, fund allotment, expenditures, purpose, amount, and balance. Arr. chron. by date of entry. 1879-80, 1 vol., indexed alph. by name of account; 1858-72, 1881--, 20 vols., no index. Hdw. Aver. 600 pp. 18 x 12 x 3½. 1858-1936, 20 vols., treas. bsmt. vlt.; 1937--, 1 vol., off.

358. MUNICIPALITY FUND LEDGER, 1930--. 4 vols.
General financial accounts of municipalities, showing name of municipality, amount credited to school, road, and poor funds, date cash was turned over to county treasurer, and total amount of each fund. Arr. alph. by name of municipality, entries made chron. No index. Hdw. on ptd. fm. Aver. 200 pp. 18 x 13 x 2. 1930-31, 1 vol., treas. bsmt. vlt.; 1931--, 3 vols., off.

359. COUNTY ORDERS, 1880-82, 1891-92, 1897-1901. 15 vols. Title varies: Orders on Treasurer, 1880-82, 1891-92, 8 vols.
Stubs of checks issued in payment of orders on county treasurer, showing check no., date issued, payee, amount. Arr. chron. by date of issue. No index. Hdw. on ptd. fm. Aver. 300 pp. 16 x 11 x 1½. Janitor's bsmt. strm.

360. COUNTY TREASURER'S ORDER BOOK, 1873-79. 1 vol.
Treasurer's record of orders issued, showing date and no. of order, name of payee, amount, purpose, and total amount of all orders. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. 460 pp. 18 x 12 x 2. Treas. bsmt. vlt.

361. RECORD DOCKET (Account Book), 1906-9. 1 vol.
Record of expenses for care of ballot boxes, patients at Wernersville and Danville, register assessors, and House of Refuge. Arr. chron. by date of entry. No index. Hdw. 150 pp. 13 x 8 x 1. Treas. bsmt. vlt.

362. RECORD (of Moneys Forwarded to Townships), 1859-75. 1 vol.
Record of moneys collected and forwarded to townships for payments due on road and school accounts, showing names of townships, amounts collected and forwarded, date of collection, and source of income. Arr. chron. by date of collection. No index. Hdw. Condition poor. 200 pp. 13 x 9 x 1½. Treas. bsmt. vlt.

363. ANNUAL STATEMENT BOOK (Plains Township School District), 1915-23. 1 vol.
Statement of expenses of Plains Township school district for salaries, supplies, rent, water, heat, and light, showing order no., date, payee, purpose, and amount. Arr. chron. by date of entry. No index. Hdw. 199 pp. 15½ x 13 x 1 3/4. Treas. bsmt. vlt.

Licenses
(See also entries 149-155, 209-212, 281, 282)

364. STATE LEDGER, 1887, 1920--. 5 vols. Title varies: State Cash Book, 1887, 1 vol.
Record of fees collected for issuance of state licenses, showing date, name of licensee, type and amount of license, and total amount of fees collected. Arr. chron. by date of entry. No index. Hdw. Aver. 99 pp. 14 x 9 x 2. 1887, 1920-28, 3 vols., treas. bsmt. vlt.; 1929--, 2 vols., off.

365. MERCANTILE LICENSE, 1883-90, 1894. 17 vols.
Stubs of mercantile licenses, showing no., date, name and address of licensee, type of business, and amount of fee. Arr. chron. by date issued. No index. Hdw. on ptd. fm. Aver. 250 pp. 15 x 10 x 2. Cont. bsmt. vlt.

366. DOG REGISTRY DOCKET, 1878-1904. 1 vol.
Register of licensed dogs, showing entry no., name and address of owner, name of dog, breed, age, description. Arr. chron. by date of entry. Indexed alph. by first letter of surname of owner. Hdw. 199 pp. 14 x 9 x 2. Treas. bsmt. vlt.

367. DOG LICENSE, 1936--. 50 vols. Prior records destroyed.
Duplicates of licenses issued to dog owners, showing license no., date, name and address of owner, year for which issued, age and description of dog, and record of transfer of ownership. Arr. num. by license no. No index. Hdw. on ptd. fm. Aver. 50 pp. 14 x 11½ x 1. Off.

368. PENNSYLVANIA RESIDENT CITIZEN'S FISHING LICENSE, 1936--. 250 vols. Prior records destroyed.
Duplicates of licenses issued for fishing, showing license no., dates of issue and expiration, name, address, age, and occupation of licensee, and signatures of licensors. Arr. num. by license no. No index. Hdw. on ptd. fm. Aver. 25 pp. 4 x 10½ x ½. Off.

369. NON-RESIDENT FISHING LICENSE, 1936--. 2 vols. Prior records destroyed.
Duplicates of licenses issued to non-residents to fish in Pennsylvania, showing license no. and dates of issue and expiration, name, age, and occupation of licensee, and signatures of licensors. Arr. num. by license no. No index. Hdw. on ptd. fm. Aver. 25 pp. 4 x 10½ x ½. Off.

370. RESIDENT HUNTER'S LICENSE, 1936--. 127 vols. Prior records destroyed.
Duplicates of licenses issued to hunters, showing license no., name and address of licensee, occupation, physical description, identification, citizenship, date of issue and expiration, amount of fee, and signatures of licensee and licensor.

Arr. num. by license no. No index. Hdw. on ptd. fm. Aver. 20 pp. 14 x 17½ x ½. Off.

371. NON-RESIDENT HUNTER'S LICENSE, 1936--. 2 vols. Prior records destroyed.

Duplicates of licenses issued to non-residents to hunt in Pennsylvania, showing license no., name and address of licensee, occupation, physical description, identification, citizenship, date issued, amount of fee, and signatures of licensee and licensor. Arr. num. by license no. No index. Hdw. on ptd. fm. Aver. 20 pp. 14 x 17½ x ½. Off.

372. APPLICATIONS FOR PROVISIONAL FIREARM REGISTRATION, 1938--. 1,600 cards in 1 f.d.

Duplicates of applications for registration of firearms used in connection with hunting license, showing nos. of provisional and hunter's licenses, name and address of licensee, physical description, make, no., and caliber of weapon, and signature of licensee. Arr. num. by license no. No index. Hdw. on ptd. fm. 20 x 30 x 18. Off.

For other licenses to carry firearms see entry 281.

(Next entry 373, p. 160)

XX. MERCANTILE APPRAISER

In 1846 a state tax was levied on mercantile establishments. The supervision of this function was vested in the board of county commissioners which was authorized to appoint a mercantile appraiser annually (1). The first mercantile appraiser of Luzerne County was appointed on December 31, 1846 (2). In 1899 mercantile appraisement was placed partially under state supervision, for in that year the State Auditor General was authorized to prescribe the forms to be used by the appraisers (3). State control was completed in 1919 when the Auditor General was given the authority to appoint annually a mercantile appraiser in each county (4). The duties of the appraiser were defined by the Act of 1899, and remain unchanged to the present day. His salary is paid by the state.

The most important duties of the mercantile appraiser are five-fold. He must prepare a list of mercantile establishments subject to a license tax; visit the person or firm on the list, and demand a correct return of the volume of business during the preceding year, which return he may amend; prepare the final appraisement list for advertising in newspapers designated by the State Department of Revenue; send a list to the Auditor General for audit on or before July 1 of each year; sit with the county treasurer in cases of appeal, and notify the Department of Revenue of any changes of appraisements (5).

It is the duty of the county treasurer to collect all fees in addition to the mercantile license tax, and to pay over to the mercantile appraiser, his fee as provided by law (6).

All supplies are furnished by the State Department of Revenue, and are sent to the office of the county treasurer. The office of the mercantile appraiser is furnished by the county, and adjoins that of the county treasurer on the first floor of the courthouse.

1- 1846 PL 488 s 12. 2- Luzerne County Commissioners' Day Book, 1840-66, p. 236. 3- 1899 PL 184 s 4. 4- 1919 PL 963 s 1. 5- Instructions to Mercantile Appraiser, Department of Revenue, Harrisburg, 1936, pp. 1-3. (Mimeo.). 6- Ibid., p. 4.

(Next entry 373, p. 160)

XXI. CONTROLLER

Provisions for the auditing of county accounts in colonial Pennsylvania were first made in 1732, when the board of county commissioners, assessors, and treasurers were required to submit annual accounts to the justices of the court of quarter sessions and grand jury (1). This method was found defective, and a supplementary act was passed in 1791, which authorized the court of common pleas to appoint three freeholders to audit the accounts of the county commissioners and treasurers, which they filed with the court (2). In 1809 the office became elective, its tenure being fixed at three years (3). A special act of assembly for Luzerne County directed them to audit annually all the money received from penalties, fines, and costs and to include them in the general statements of their audit (4). Their powers were extended when they were authorized to audit the accounts of coroners, sheriffs (5), and directors of the poor (6). In 1893 county auditors were abolished in counties containing a population of over 150,000, and provision was made for a controller to take over their duties (7). This act was held unconstitutional in 1894 (8), but was reenacted in 1895 (9). Luzerne County, with a population of over 200,000 at that time, came within the provisions of this act, and has had a controller since 1898. The controller upon assuming his duties must file a bond and take an oath of office (10). He receives a salary from the county, and is furnished with all necessary supplies and an office on the first floor of the courthouse.

The controller's most important duty is to audit and check all county bills and accounts. He must countersign all warrants drawn upon the treasuror and see that they are spent within legal limits. He also makes up the county budget on forms prescribed by the State Department of Internal Affairs and from time to time examines the accounts of all county officers.

The controller has general supervision of the fiscal affairs of all county officers who collect, receive, or distribute the moneys of the county, and must report any default to the county commissioners and court of common pleas (11). He must keep detailed records of county fiscal operations (12); prepare a budget

1- 1732, 1 Dall 282. 2- 1791, 3 Sn L 15 s 1. 3- 1809, 5 Sn L 19 rep. 1929 PL 1278 s 1051; 1810 PL 207, 5 Sn L 161; 1814 PL 44, 6 Sn L 103; 1834 PL 537 s 44 rep. 1929 PL 1278 s 1051. 4- 1871 PL 1354 s 3. 5- 1810 PL 207, 5 Sn L 161. 6- 1879 PL 30; 1881 PL 44 s 1. 7- 1893 PL 393. 8- 163 Pa. 283 Comm. vs. Samuels et al, Appellants (1894); 164 Pa. 462, Comm. vs. B.R. Severn, Appellant (1894). 9- 1895 PL 403 am. 1901 PL 140 further am. 1913 PL 10. The Act of 1913 extended these provisions to include counties with a population of 100,000 or over and recognized the amendment to the Pennsylvania Constitution, Art. XIV, s 2 as am. 1909 which increased the term of office to four years. 1929 PL 1278 s 1051 rep. 1895, 1901, 1913 but reen. then as am. 10- 1893 PL 393 s 3; 1895 PL 403 s 3; 1929 PL 1278 s 53, 133. 11- 1893 PL 393 s 4; 1895 PL 403 s 4; 1929 PL 1278 s 341. 12- 1893 PL 393 s 5, 7; 1895 PL 403 s 5, 7; 1929 PL 1278 s 342, 344.

as a guide for the county commissioners (13); keep a register of all warrants drawn on the treasury by the county commissioners and countersigned by himself (14); audit and approve all warrants issued by the county commissioners, except for the payment of fees of minor officials in the county courts (15); countersign all receipts given by the treasurer, and keep a record of them (16); scrutinize all bills owed by the county to see if they are legally payable (17); file all county contracts involving an expenditure of over $100 immediately upon their execution, except those for the building and repair of bridges (18); file receipts of county officers for fees paid over to the county treasurer (19); and see that bids and contracts are made in the proper manner. He may voice his approval or disapproval of the purpose of a contract (20).

He has custody of official bonds given to the county, title deeds to county realty, contracts entered into by the county, and all books and papers relating to its financial affairs. He keeps a register of and cancels payments of all bonds issued by the county (21).

The controller has the power to surcharge officers in cases of deficiencies or illegalities of expenditures; by subpoena and attachment to compel attendance of witnesses and the production of evidence in the audit of accounts (22); to administer oaths (23); to commit to the county prison those who fail to appear or to produce the requested evidence (24).

The controller may require quarterly statements from county officers with respect to moneys in their possession (25). In Luzerne County the controller makes a practice of keeping monthly reports. He must make an annual report on forms prescribed by the Department of Internal Affairs to the court of common pleas of all county receipts and expenditures, together with a statement of the financial condition of the county. The report is published and a copy sent to the Secretary of Internal Affairs (26). He also audits and adjusts the accounts of the treasurer with the State Treasury in regard to money received for the use of the Commonwealth, and makes a separate report on this to the court of common pleas (27).

The controller of Luzerne County is an ex-officio member of both the salary

13- 1893 PL 393 s 5; 1895 PL 403 s 5; 1929 PL 1278 s 346 am. 1935 PL 1184 s 2. 14- 1893 PL 393 s 11; 1895 PL 403 s 11; 1929 PL 1278 s 351. 15- 1893 PL 393 s 9; 1895 PL 403 s 9; 1929 PL 1278 s 350. 16- 1893 PL 393 s 8; 1895 PL 403 s 8; 1929 PL 1278 s 348, 349; 1935 PL 143 s 1. 17- 1893 PL 393 s 8; 1895 PL 403 s 8; 1929 PL 1278 s 349. 18- 1893 PL 393 s 10; 1895 PL 403 s 10; 1927 PL 176 s 1; 1929 PL 1278 s 348; 1935 PL 143 s 1. 19- 1876 PL 13 s 2; 1893 PL 393 s 5; 1895 PL 403 s 5. 20- 1893 PL 393 s 8; 1895 PL 403 s 8; 1929 PL 1278 s 348 am. 1935 PL 143 s 1. 21- 1893 PL 393 s 12; 1895 PL 403 s 12; 1929 PL 1278 s 54, 343; 1933 PL 946 No. 182 s 1. 22- 1791, 3 Sm L 15 s 2; 1929 PL 1278 s 374. 23- 1929 PL 1278 s 374. 24- 1791, 3 Sm L 15 s 3; 1929 PL 1278 s 375. 25- 1937 PL 37. 26- 1893 PL 393 s 6; 1895 PL 403 s 6; 1929 PL 1278 s 345 am. 1931 PL 401 s 1 and 1935 PL 1184 s 1. 27- 1929 PL 1278 s 372.

board (28) and the sinking fund commission (29).

In addition to the records which the controller has been specifically required to keep, he has kept other records as a matter of practice and expediency.

Taxation
(See also entries 2-8, 338-353)

373. TAX COLLECTOR'S LEDGER, 1895--. 5 vols. (1-5).
Record of taxes collected and payments made to treasurer by tax collectors, showing date, names of collector and municipality, type of tax, amount and date collected, amount of rebate, collector's commission, and amount and no. of collector's bond. Arr. alph. by name of municipality, entries made chron. 1895-1932, vols. 1-2, indexed alph. by name of municipality; 1933--, vols. 3-5, no index. Hdw. on ptd. fm. Aver. 300 pp. 12 x 16 x 3. Off. safe.

374. TAX COLLECTOR'S PAYMENTS AND SUNDRY RECEIPTS, 1930--. 10 vols. (dated).
Copies of receipts issued by treasurer for payments by tax collectors and of sundry accounts, showing date, amount, purpose, payer, signature of treasurer, and countersigned by controller. Arr. chron. by date of receipt. No index. Hdw. on ptd. fm. Aver. 1,200 pp. 10 x 6 x 4. 1930-36, 8 vols., cont. bsmt. vlt.; 1937--, 2 vols., off.

375. CONTROLLER'S JOURNAL, 1894. 1 vol.
Record of land taxes paid to county treasurer and apportionment thereof, showing amount, date, by whom paid, by whom collected, fund allotment, and name of municipality. Arr. alph. by name of municipality. No index. Hdw. 800 pp. 18 x 12 x 3. Cont. bsmt. vlt.

376. (TREASURER'S RECEIPTS), 1930--. 51 vols.
Controller's copies of receipts issued by treasurer for taxes paid on seated lands, showing no., date, name and address of taxpayer, amount and type of tax, costs or fees, total received, signature of treasurer, and countersigned by controller. Arr. num. by receipt no. No index. Hdw. on ptd. fm. Aver. 1,860 pp. 12 x 10 x 6. Cont. bsmt. vlt.

377. SUBDISTRIBUTION (Land Returns), 1932-33. 1 vol.
Record of distribution of moneys received from sale of lands sold for tax delinquency, showing name of municipality awarded money, name of fund credited, amount allocated, date, receipt and lien nos., and totals distributed. Arr. alph. by name of municipality. No index. Hdw. on ptd. fm. 150 pp. 12 x 17½ x 2. Off.

28- 1876 PL 13 s 7 rep. 1879 PL 72 s 1 but the repealing section was itself rep. 1883 PL 182 s 1 except as to cities of the first class. 29- 1911 PL 895 s 1 rep. 1929 PL 1278 s 1051 but reen. in s 395.

Budget
(See also entries 452-455)

378. BUDGET OF LUZERNE COUNTY CONTROLLER, 1921--. 18 vols.
Annual budget submitted to county commissioners for approval, showing date, detailed estimate of income and expenditures, with signature of controller. Arr. by offices. No index. Typed. Aver. 10 pp. 14 x 9 x 1/8. Cont. bsmt. vlt.

379. CONTROLLER'S BUDGET (Road and Bridge Department), 1926. 1 vol. Discontinued.
Budget prepared by the engineer of the road and bridge department, showing statement of expenditures for the previous year, funds available for current year, total requirements for current year, cash available from all sources, and amount to be raised by taxation. Arr. by type of expenditure. No index. Typed. 9 pp. 14 x 9 x 1/8. Cont. bsmt. vlt.

Contracts

380. CONTRACTS AND AGREEMENTS, 1929--. 1,130 papers in 5 f.b.
Contracts for supplies and equipment, showing name of contractor, date and terms of contract, items purchased, signatures and affidavits of contractor, officials, and witnesses. Arr. chron. by date of contract. No index. Typed. 11⅝ x 5 x 27. Off.

381. BIDS, 1930--. 2,400 papers in 276 folders.
Bids for services, supplies and equipment submitted by contractors, showing authorization, date bids were opened, to whom contract awarded, contract no., names of bidders, amount bid by each, date checks for deposits were returned to unsuccessful bidders. Also correspondence between county controller and contractors relative to bids. Arr. chron. by date of bid. No index. Typed on ptd. fm. 9½ x 15 x ¼. Cont. bsmt. vlt.

382. PROPOSAL BOOK (Record of Bids), 1907--. 4 vols.
Record of bids received for supplies and services, showing date of bid, item, names of witnesses to opening of bids, amount of contract, warrant no., and total amount paid. Contains newspaper clippings as proof of publication of invitations to bid. Arr. chron. by date of entry. No index. Hdw. Aver. 500 pp. 16 x 11 x 2. 1907-32, 3 vols., cont. bsmt. vlt.; 1933--, 1 vol., off.

383. MARKET STREET BRIDGE (Wilkes-Barre) PLANS AND SPECIFICATIONS, 1926-29. 3 vols.
Plans and specifications for Market Street bridge 1926, accompanied by invitations to bid, contract forms, and amount of bond to be posted. Also contains: Notices to Bidders and Proposal Blanks for Construction of Bridge No. 134, 1926, entry 384; and Specifications for Grading and Paving Hocanaqua Underpass, Conyngham and Newport Townships, 1929, entry 385. Not arr. No index. Typed. Aver. 120 pp. 9 x 11 x 2. Cont. bsmt. vlt.
For other records of bridge construction see entries 503, 504.

384. /NOTICE TO BIDDERS AND PROPOSAL BLANKS FOR CONSTRUCTION OF BRIDGE No. 134 ON P.S.H.D. (Pennsylvania State Highway Department) ROUTE 369 NEAR PIKE'S CREEK/, 1926. In Market Street Bridge (Wilkes-Barre)

Plans and Specifications, entry 383.
Notice to bidders, and proposal blanks for construction of Bridge No. 134, on Pennsylvania State Highway Department Route 369 near Piko's Creek, showing amount of deposit required to obtain plans and specifications, length of time allowed for completion of work, and amount of check to accompany each bid.

385. (SPECIFICATIONS FOR GRADING AND PAVING OF MOCANAQUA UNDERPASS, CONYNGHAM AND NEWPORT TOWNSHIPS), 1929. In Market Street Bridge (Wilkes-Barre) Plans and Specifications, entry 383.
Specifications for grading of Mocanaqua underpass, Conyngham and Newport townships, giving terms and conditions for bidders, amount of bond to be posted, time limit for execution of contract and specifications for materials and construction.

Equipment and Supplies

386. SUMMARY OF EXPENDITURES ON NEW COURT HOUSE, 1902-11. 1 vol.
Auditors' report on the expenditures for the construction and furnishing of new courthouse, showing itemized cost of all materials and equipment, names of auditors, date of audit, and auditors' affidavit. Arr. chron. by date of expenditure. Indexed by name of item purchased. Typed. 72 pp. 14 x 19 x $\frac{1}{2}$. Cont. bsmt. vlt.

387. SCRAP BOOK (County Courthouse), 1904. 1 vol.
Newspaper clippings on building of new courthouse. Arr. chron. by date of clipping. No index. Ptd. Condition poor. 200 pp. 12 x 7 x 1. Treas. bsmt.-vlt.

388. INSURANCE POLICIES, 1932--. 800 records in 1 f.b.
Policies covering county-owned equipment, showing date of policy, name of insurance company, equipment covered, amount, conditions and terms, date of expiration, and signatures of president and secretary of company. Arr. chron. by date of policy. No index. Typed on ptd. fm. 11$\frac{1}{2}$ x 5 x 27. Off. safe.

Bonds
(See also entries 71, 75, 170-175)

389. COURT ORDERS, BONDS, TITLES, 1931--. 200 papers in 1 f.b.
Court orders for appointment of special county officers and titles to county owned motor vehicles. Court orders show date, term of court, name of appointee, office to which appointed, and signature of judge. Titles to motor vehicles show date of title, make model, series and engine nos. of motor vehicles. Also contains: (Bonds of County Officials), entry 390. Arr. chron. by type of paper. No index. Typed and hdw. on ptd. fm. 11$\frac{1}{2}$ x 5 x 27. Off. safe.

390. (BONDS OF COUNTY OFFICIALS), 1855--. 1855-1901 in Bonds and Oaths, entry 118; 1902-30 in Common Pleas Files, entry 119; 1931-- in Court Orders, Bonds, Titles, entry 389.
Shows name of officer or employee, date and amount of bond, name of surety, condition of obligation, and official seals and signatures. Also contains: County Prison Official Bonds, 1931--, entry 172.

Minutes

391. COUNTY AUDITORS' MINUTES, 1877-95. 3 vols.
Record of meetings held by board of auditors, showing names of auditors at meeting, date appointed, date, time, place, and purpose of meetings. Arr. chron. by date of meeting. No index. Hdw. Aver. 250 pp. 14 x 8½ x ½. Proth. off.

392. MINUTES OF COUNTY COMMISSIONERS, 1932--. 4 vols.
Controller's record of minutes of commissioners' meetings, showing date of meeting, names of commissioners present, details of business transacted, signatures of secretary and commissioners. Arr. chron. by date of meeting. No index. Typed and hdw. Aver. 500 pp. 11 x 9 x 2. Off. safe.

Accounts

393. ANNUAL REPORT (of the Controller), 1909-43, 1923-25, 1927-28.
5 vols., 1 f.b. Title varies: Auditors' Reports, 1909-43, 1 f.b.
Originals in Common Pleas Files, entry 119.
Duplicate reports on financial condition of the county, showing itemized account and fund allocation of receipts and expenditures. Arr. chron. by date of report. No index. Hdw., 1909-43, typed, 1923-28. Vols. aver. 40 pp. 14 x 9 x 1/8; f.b., 9½ x 4½ x 13½. 1909-43, 1 f.b., proth. bsmt. vlt.; 1923-28, 5 vols., cont. bsmt. vlt.

394. GENERAL LEDGER (Active Accounts), 1926--. 2 vols.
Controller's record of receipts and expenditures in active accounts, showing name and no. of account, date, amount, and source of receipts, and date, amount, and purpose of expenditure with warrant no. When an account becomes inactive it is withdrawn and placed in Old Ledger Records, entry 395. Arr. by account no. No index. Hdw. Aver. 450 pp. 12 x 20 x 3. Off.

395. OLD LEDGER RECORDS, 1909--. 3 vols.
Controller's record of receipts and expenditures in inactive accounts. When an account is closed the record is taken from General Ledger (Active Accounts), entry 394, and filed here. Arr. by account no. No index. Hdw. Aver. 350 pp. 12 x 2 x 3. 1909-22, 1 vol., cont. bsmt. vlt.; 1923--, 2 vols., off.

396. DAILY STATEMENT OF RECEIPTS, 1895--. 18 vols.
Daily statement of cash received, showing source of income, date, payer, amount, totals, official signature, and name of fund to which allocated. Arr. chron. by date of statement. No index. Hdw. on ptd. fm. Aver. 250 pp. 19 x 26 x 3. 1895-1929, 1931-34, 16 vols., cont. bsmt. vlt.; 1930, 1935--, 2 vols., off.

397. SUB DISTRIBUTION (Record of Expenses), 1894-1909, 1926-27. 2 vols.
Title varies: County Offices' Expense, 1894-1909, 1 vol.
Account book of expenditures of county government departments, showing date, amount, and purpose of expenditure, and warrant no. Arr. chron. by date of entry. No index. Hdw. Aver. 135 pp. 12 x 21 x 1. Comms. bsmt. vlt.

398. AUDITOR'S REPORT BOOK, 1856-57, 1870-82. 3 vols.
Original reports of audits of county offices, showing name of office, dates, amount received, source of income, amount disbursed, purpose of expenditure, date

of audit, and signatures of auditors. Arr. chron. by date of audit. No index. Hdw. Aver. 500 pp. 15 x 10 x 2. 1856-57, 1 vol., treas. bsmt. vlt.; 1870-82, 2 vols., cont. bsmt. vlt.

399. DAILY RECORD OF DISBURSEMENTS, 1896--. 14 vols.
Daily record of disbursements for supplies, services, court and election expenses, and maintenance of public buildings, showing amounts disbursed, payee, date, and signature of controller. Arr. chron. by date of entry. No index. Hdw. Aver. 300 pp. 24 x 24 x 1. 1896-1935, 13 vols., cont. bsmt. vlt.; 1936--, 1 vol., off.

400. CONTROLLER'S CRIMINAL DOCKET, 1920--. 31 vols., and 8 duplicate vols., 1920-23.
Record of payment of witness fees and all other court costs paid in criminal proceedings, showing court term and case no., names of parties, date of trial, verdict, amounts and dates paid. Arr. chron. by court term. Indexed alph. by name of defendant. Hdw. on ptd. fm. Aver. 500 pp. 19 x 16½ x 2½. 1920-25, 6 vols., and 8 duplicate vols., janitor's bsmt. strm.; 1926--, 25 vols., witness clk. off.

401. TRANSCRIBING CLERK'S LEDGER, 1927-33. 2 vols. Discontinued.
Account of money paid to clerks for transcribing records, showing name and no. of transcriber, and municipality for which transcription is made, itemized account of work done, days worked, and wages per day. Arr. num. by worker's no. No index. Hdw. Aver. 76 pp. 13 x 15 x 1. Off.

402. FUND LEDGER, 1909-22. 1 vol.
Controller's accounts with municipalities, showing date, names of municipality and fund, receipts, and amounts returned with source of income or purpose, and balance. Arr. alph. by name of municipality. Indexed alph. by name of municipality. Hdw. 600 pp. 19 x 14 x 2. Cont. bsmt. vlt.

403. STATEMENT OF COST OF MAINTAINING PRISONERS, 1916-25. 600 papers in 1 bdl. Discontinued.
Report to municipalities on the cost of maintaining prisoners at the county prison, showing name of municipality to which statement is rendered, names of prisoners and committing official, charges, dates admitted and discharged, number of days, rate per day, and total amount. Arr. alph. by name of municipality. No index. Hdw. on ptd. fm. 9 x 11 x 4. Cont. bsmt. vlt.

404. MISCELLANEOUS RECORD (Cost of County Prisoners, Soldiers' Burial and Insurance Policies), 1876--. 2 vols.
Record of costs for keep of county prisoners, showing names of institution and prisoner, date committed, and amount paid for maintenance. Account of soldiers and soldiers' widows buried at county expense, showing names of soldier or widow and undertaker, date, amount, and warrant no. of payment. Also record of insurance carried on county buildings, showing names of buildings, insurance company, and agent, amount of premium, and expiration date of policy. Arr. by accounts, entries made chron. No index. Hdw. Aver. 400 pp. 19 x 13 x 2½. 1876-1909, 1 vol., cont. bsmt. vlt.; 1910--, 1 vol., off.
For original insurance policies, 1932--, see entry 388.

405. BURIAL, 1913--. 1 vol.
Record of soldiers and widows receiving burial aid from county, showing name of deceased, year, warrant no., names of undertaker and agent supplying headstone. Arr. alph. by first letter of surname of deceased, entries made chron. No index. Hdw. on ptd. fm. 300 pp. 18 x 12 x 1½. Off.

406. RECORD OF DEPENDENTS, ASYLUMS, AID HOUSES OF REFUGE, 1899-1921. 1 vol.
List of names of persons committed to homes for the indigent and incompetent, and penal and correctional institutions, showing name of institution, person committed, and individual or municipality to whom cost of care is chargeable. Arr. by name of institution. No index. Hdw. 200 pp. 17 x 14 x 1. Cont. bsmt. vlt.

407. EXPENDITURES OF ROAD AND BRIDGE DEPARTMENT, 1923-24. 250 sheets in 2 bdl.
Statement of expenditures for roads and bridges, showing name of municipality, cost and type of work, balance from previous month, expense for current month, total expense, amount of appropriation. Also, papers entitled "Subdistribution", showing equipment purchased, appropriation, road and item nos., date, and no. of warrant. Arr. chron. by date filed. No index. Hdw., and typed on ptd. fm. 11 x 17 x 1. Cont. bsmt. vlt.

408. FOREMAN'S DAILY REPORTS (Road and Bridge Department), 1929. 550 sheets in 1 bdl.
Daily report of foreman of road and bridge dept., showing name and location of job, road, date, names of employees, number of hours worked, classification, equipment rented, from whom rented, number of hours equipment used, license no. of equipment, materials delivered, by whom, daily description of work done, amount paid, and signature of foreman. Arr. chron. by date of report. No index. Hdw. on ptd. fm. 13 x 9 x 3. Cont. bsmt. vlt.

409. LUZERNE COUNTY ROAD AND BRIDGE TIME SHEETS, 1923, 1932. 600 papers in 2 bdl.
Time sheets of county employees in road and bridge department, giving name and no. of employee, his classification, hours worked, rate, name and no. of road or bridge, semi-monthly, monthly, and total amounts paid. Arr. alph. by name of municipality where work was performed. No index. Hdw. on ptd. fm. 12 x 15 x 2. Cont. bsmt. vlt.

Vouchers
(See also entry 33)

410. WARRANT RECORD BOOK, CONTROLLER'S OFFICE, 1894-96, 1908-29. 8 vols. Discontinued.
Record of warrants countersigned by controller, showing name of payee, warrant and appropriation nos., dates countersigned and paid, and amount. Arr. num. by warrant no. No index. Hdw. on ptd. fm. Aver. 400 pp. 18 x 12 x 3. 1894-96, 1908-15, 1920-27, 6 vols., cont. bsmt. vlt.; 1916-19, 1928-29, 2 vols., comms. bsmt. vlt.

411. VOUCHERS, 1895--. 458,000 records in 1,156 f.b.
Returned vouchers for payment for supplies, services, equipment, and other expenditures, showing no., date issued, payee, purpose, and official signatures. Arr. chron. by date of issue, and num. by voucher no. Hdw. 11 x 15 x 5. 1895-1935, 1,150 f.b., cont. bsmt. vlt.; 1936--, 6 f.b., off.

412. VOUCHER INDEX (Active Accounts), 1906--. 9 vols., and 1,500 cards in 56 f.d. (A-Z by contained letters of alphabet). Title varies: Index to Vouchers, 1906-29, 9 vols.
Alphabetical index to original vouchers, showing name of payee, year, and voucher no. 1930-- inactive cards are removed and placed in Voucher Index (Inactive Accounts), entry 413. Arr. alph. by name of payee. Hdw., 1906-29; hdw. on ptd. fm., 1930--. Vols. aver. 600 pp. 14 x 9 x 2; f.d., 3 x 5 x 26. 1906-29, 9 vols., cont. bsmt. vlt.; 1930--, 56 f.d., off.

413. VOUCHER INDEX (Inactive Accounts), 1930--. 2,000 cards in 2 f.b.
Card index to vouchers for inactive accounts formerly filed in Voucher Index (Active Accounts), entry 412, showing name of payee, year, and voucher no. Arr. alph. by name of payee. Hdw. on ptd. fm. 4 x 6 x 14. Off.

Elections

414. ELECTION BOOK (Boroughs, Townships, and Cities), 1909--. 5 vols. Title varies: Return Record, 1909-30, 3 vols.
Record of cost of registering voters and holding elections, showing name of municipality, registration or election date, name of election division, number of registrars attending, number registered or voted, amount of mileage, and salaries paid with warrant no. Arr. alph. by name of municipality. No index. Hdw. on ptd. fm. Aver. 150 pp. 18 x 21 x 2. 1909-30, 3 vols., cont. bsmt. vlt.; 1931--, 2 vols., off.

Financial Reports

415. ACCOUNT OF FEES AND MONEYS COLLECTED BY CLERK OF COURTS, 1904--. 3,000 papers in 14 bdl. and 1 f.d.
Clerk of courts' monthly statement of fees collected, showing date of statement, court term and case no., name of payer, amount of fee, service rendered, and record of fees chargeable to county, amount paid to treasurer, affidavit, and signature of clerk of courts. Arr. chron. by date filed. No index. Hdw. on ptd. fm. Bdl., 18 x 12 x 1; f.d., 4 x 14 x 24. 1904-34, 14 bdl., cont. bsmt. vlt.; 1935--, 1 f.d., off.

416. (ACCOUNT OF FEES AND MONEYS COLLECTED AND FEES EARNED BY THE PROTHONOTARY AND CHARGEABLE TO LUZERNE COUNTY), 1904--. 3,000 papers in 16 bdl.
Monthly account of fees and moneys collected by the prothonotary and chargeable to the county, showing date of receipt, court term and case no., service rendered, and amount received. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 18 x 12 x 2. 1904-35, 15 bdl., cont. bsmt. vlt.; 1936--, 1 bdl., off

417. RECORDER OF DEEDS (Account of Fees and Moneys Received), 1907-16, 1919-20, 1926-27, 1929-31, 1933--. 4,900 papers in 16 bdl.
Report of fees earned and collected by the recorder of deeds, showing date and amount of fee, payer, service performed, item no., amount chargeable to county, and affidavit by recorder guaranteeing account. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 18 x 12 x 2. 1907-34, 15 bdl., cont. bsmt. vlt.; 1935--, 1 bdl., off.

418. TRANSCRIPT OF REGISTER'S FEE BOOK, 1907-8, 1910, 1914-16, 1919-20, 1922-23, 1927-28, 1934, 1936--. 2,080 sheets in 12 bdl.
Monthly account of moneys and fees received by register of wills, showing date, from whom received, name of estate, amount of fees and state tax received, amount of fees earned and due from county, and service rendered. Arr. chron. by date of report. No index. Typed on ptd. fm. 18 x 15 x 2. 1907-36, 11 bdl., cont. bsmt. vlt.; 1937--, 1 bdl., off.

419. ACCOUNT OF FEES COLLECTED BY SHERIFF, 1911--. 800 sheets in 14 bdl.
Monthly statement of fees collected by the sheriff, showing date of receipt, kind and no. of writ, dates served and returned, court term and case no., names of parties, name of payer, vol. and p. where recorded, total amounts received, and sheriff's affidavit. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 17 x 12 x 4. 1911-15, 1919-36, 12 bdl., cont. bsmt. vlt.; 1916-18, 1 bdl., clk. of cts. bsmt. vlt.; 1937--, 1 bdl., off.

420. DAILY STATEMENT OF RECEIPTS AND DISBURSEMENTS OF COUNTY, 1907--. 7,500 papers in 3 f.d., 2 vols.
Daily report from the treasurer on receipts and disbursements; receipts show date, no., names of payer and account, amount and total receipts; disbursements show date, warrant no., name of payee, purpose and amount of expenditure, and total disbursements. Accompanying receipts are statements from the treasurer's office summarizing receipts and fund allotments. Arr. chron. by date of report. No index. Hdw. on ptd. fm. F.d., 10½ x 16 x 25; vols. aver. 864 pp., 16 x 20 x 3. 1907-35, 3 f.d. and 1 vol., cont. bsmt. vlt.; 1936--, 1 vol., off.

421. DISCHARGED PRISONERS, 1896-1901, 1903. 165 papers in 1 bdl., 1 f.d. Discontinued.
Warden's monthly report to county controller of prisoners discharged from county prison, showing date of report, names of controller, and names of discharged prisoners, dates committed and discharged, and manner of discharge. Arr. chron. by date of report. No index. Hdw. on ptd. fm. Bdl., 11 x 4 x 5; f.d., 10½ x 16 x 25. Cont. bsmt. vlt.

Correspondence

422. LETTERS, 1897-1910. 3 vols.
Carbon copies of general correspondence with the Commonwealth, showing date, name of addressee, business transacted, and name of controller. Arr. chron. by date of letter. No index. Hdw., and typed. Aver. 485 pp. 12 x 10 x 2. Cont. bsmt. vlt.

(Next entry 423, p. 169)

XXII. SINKING FUND COMMISSION

The Constitution of 1874 provides that the debt of any municipality may never exceed seven per centum of the value of taxable property nor may any municipality incur any new debt or increase its indebtedness to an amount exceeding two per centum of such assessed valuation of property, without the assent of the electors at a public election (1).

The funding system, as a device to meet the obligations of bonded indebtedness, was inaugurated in England in 1716 by Sir Robert Walpole for the purpose of reducing the national debt. The sinking fund set aside for this purpose was ultimately diverted from its original purpose, which led to the establishment of another and different sinking fund by Pitt in 1786. The essential feature of Pitt's plan was the appropriation of special funds out of surplus revenues to form a sinking fund, and the appointment of a commission for the reduction of the national debt. The money so appropriated was vested in this body whose duty was to apply the same in the purchase of stock (2).

The sinking fund was frequently of value to the cities of early Pennsylvania (3). In the counties the board of county commissioners, as a corporate body, had long-standing power to issue bonds for the construction of public buildings, roads, and bridges, and to provide for the ultimate payment of funded debts (see Board of County Commissioners).

The movement to establish a county sinking fund commission gained impetus during the early part of the twentieth century when legislation was passed for the creation of this commission in the larger counties in 1909 (4) and 1911 (5).

The sinking fund commission of Luzerne County met for the first time on January 20, 1916. It is composed of the commissioners, the controller, and the treasurer, who serve without additional compensation. Meetings are not held regularly. The commission is responsible for the administration of county funds which are applied to paying off the bonded indebtedness of the county. When money is not immediately applicable for this purpose, the commission may make investments in such bonds as are designated by law, or deposit the funds in banks (6).

The sinking fund commission must annually apply all interest received in such fund deposits, all interest received on bonds held in the sinking fund, and all other income, if any, from the sinking fund, for the purpose of reducing the amount of money required to be paid by the county to the commission for sinking fund purposes for the ensuing year, unless such income is necessary for the purpose of having adequate funds on hand to pay the bonds of the county as they mature (7).

1- Const., Art. IX s 8. 2- Encyclopedia of the Laws of England, London, 1897-1903, IX, 55. 3- Edward P. Allison and Boies Penrose, Philadelphia, 1681-1887, Philadelphia, 1887, p. 121. 4- 1909 PL 100. 5- 1911 PL 895 s 1. 6- 1911 PL 895 s 2; 1929 PL 1278 s 396. 7- 1911 PL 895 s 4 am. 1917 PL 1085 s 1; 1929 PL 1278 s 397.

All moneys received by the commission are immediately deposited in one or more banks which are known as county depositories. Not less than two per centum interest may be paid on daily balances to the commission for the use of those moneys (8).

The sinking fund commission is not required by statute to keep records of its activities. The minute book is kept as a matter of convenience to the members of the sinking fund commission, and is found in the controller's office. All records concerning current bond issues are a part of the minutes of the county commissioners. The sinking fund commission is the ultimate depository of the county bonds listed below.

423. SINKING FUND COMMISSION MINUTES, 1916--. 1 vol.
Record of minutes of sinking fund commission meetings, showing date of meeting, names of members present, details of financial business transacted, and signature of secretary of commission. Arr. chron. by date of meeting. No index. Typed and hdw. 350 pp. 11 x 9 x 1½. Cont. off. safe.

424. BOND REGISTER, 1893, 1913, 1915. 3 vols. Title varies: Bond Book, 1893, 1 vol.
Record of bonds floated by county, showing dates of sale and issue, name and amount of issue, rate of interest, bond no., value, name of purchaser, dates of payment of interest and principal, and date of redemption. Arr. chron. by date of issue. No index. Hdw. Aver. 150 pp. 14 x 8 x ½. 1893, 1 vol., cont. bsmt. vlt.; 1913, 1915, 2 vols., cont. off.

425. FUNDING BONDS, 1909. 2 vols.
Original bonds with returned coupons issued by county. Bonds show no., value, dates of issue and maturity, rate of interest, date interest due, total number of bonds issued, total value, terms and conditions, county seal and signatures of commissioners, commissioners' clerk, and controller. Coupons show bond and coupon nos., value, dates due and redeemed, and signatures of commissioners and controller. Arr. num. by bond no. No index. Ptd. Aver. 400 pp. 19 x 13 x 5. Cont. bsmt. vlt.

426. COURT HOUSE AND PRISON BONDS, 1907. 2 vols.
Original bonds and returned coupons issued for the building of the county courthouse and prison. Bonds show no., value, dates of issue and maturity, rate of interest, date interest due, total number of bonds issued, total value, terms and conditions, county seal and signatures of commissioners, commissioners' clerk, and controller. Coupons show bond and coupon nos., value, dates due and redeemed, and signatures of commissioners and controller. Arr. num. by bond no. No index. Ptd. Aver. 400 pp. 19 x 13 x 5. Cont. bsmt. vlt.

8- 1911 PL 895 s 7; 1929 PL 1278 s 401.

(427)

XXIII. SALARY BOARD

Prior to the creation of the salary board, county officers hired as many employees as they deemed advisable. The salaries of these employees were paid from fees collected by the office and were contingent upon the amount collected. The salary board in Luzerne County was set up in December 1876, following legislation providing for the establishment of such boards in counties with a population of 150,000 or more (1). The board of the controller and the board of county commissioners, determines the number and compensation of employees of the various offices of the county government not fixed by statute. When considering the number and compensation of employees in a certain office, the salary board includes the head of the particular office under consideration. Any officer who feels aggrieved by the decision of the board may appeal to the court of common pleas, whose decision is final.

The salary board meets in the office of the county commissioners on the first floor of the courthouse. The members receive no additional salary for serving on the salary board, but are furnished with all necessary supplies by the county. The board must keep a minute book of its proceedings.

427. SALARY BOARD MINUTES, 1879-1915, 1930--. 3 vols. Title varies: Luzerne County Salary Board Minutes, 1879-1915, 1 vol.
Shows date and place of meeting, nature of business transacted and signature of secretary. Arr. chron. by date of meeting. No index. Hdw., 1879-1915, 1 vol.; typed, 1930--, 2 vols. Aver. 300 pp. 12 x 9 x 2. 1879-1915, 1 vol., comms. bsmt. vlt.; 1930--, 2 vols., cont. off. safe.

1- 1876 PL 13 s 7 rep. 1879 PL 72 s 1, but the repealing section was itself rep. 1883 PL 182 s 1, except insofar as the same applies to cities of the first class; 1929 PL 1278 s 301; 1931 PL 401 s 1.

(Next entry 428, p. 173)

XXIV. REGISTRATION COMMISSION

A recent development in county government is the establishment of permanent registration as a means of identifying voters (1). County supervision of this function was instituted in third class cities of all counties in 1935, and extended to townships and boroughs in 1937 by legislative action (2). From 1913 to 1935 annual personal registration was required in the third class cities. Registry books, however, were placed in the custody of local registration commissioners, and not the county authorities (3). Under the new system, a voter need not register each year if he remains in the same election district. His name remains on the permanent list of voters once it is placed there. At the beginning of the enforcement of this new law, a general registration of all voters was made. Voters were required to appear before registrars and fill out cards. Now voters in the district are required to register on occasion, but once registered they may vote until they move from the election district. The three county commissioners have jurisdiction over the registration of electors of third class cities (4), boroughs, and townships (5). They act as a registration commission, and are required to keep a record of all proceedings in a permanent form (6). The county commissioners ex-officio comprise this board, and serve without extra salary.

The commission possesses administrative and quasi-judicial powers. It governs the public sessions of the commission; corrects irregularities in registration, and cancels the registration of any person improperly registered; enforces regulations, subpoenas and examines witnesses; and may require the production of relevant books and papers (7); appoints registrars, clerks, and inspectors of registration; has custody of the registration lists (8).

For purpose of registering the electors, the commission must prepare registration cards, serially numbered, in duplicate, together with affidavits. Each card must be of uniform size, printed, to be filled out by the applicant (9). The commission must provide binders for filing and indexing the cards. The binders must be locked, and the keys retained by the commission, which is required to keep a record of the serial number of the cards issued to the registrars (10).

1- For an historical and analytical discussion of this phase of government see Joseph P. Harris, Registration of Voters in the United States, Brookings Institution, Washington, 1929. 2- 1935 PL 478 No. 195; 1937 PL 849. 3- Edward Bates Logan, Supervision of the Conduct of Elections and Returns with Special Reference to Pennsylvania, Lancaster, 1927, pp. 26, 92. 4- 1935 PL 478 No. 195 s 3; 1937 PL 849 s 4 (a). 5- 1937 PL 487 s 3 (a). 6- 1935 PL 478 No. 195 s 3; 1937 PL 849 s 4 (c); 1937 PL 487 s 3 (d). 7- 1935 PL 487 No. 195 s 4 (a) (1) (b) (c); 1937 PL 849 s 5 (a) (1) (b) (c); 1937 PL 487 s 4 (a) (1) (b) (c). 8- 1935 PL 478 No. 195 s 5 (b); 1937 PL 849 s 6 (b); 1937 PL 487 s 5 (b). 9- 1935 PL 478 No. 195 s 14 (a) (c); 1937 PL 849 s 18 (a) (c); 1937 PL 487 s 17 (a) (c). 10- 1937 PL 849 s 18 (c); 1937 PL 487 s 17 (c).

The applicant is required by oath to subscribe to the registration affidavit on both copies of the registration card. The duplicate registration cards for boroughs, townships, and cities must be placed in alphabetical order and indexed, and kept in the commission's office. These cards constitute the "General Register" (11). The original registration cards must be filed by election districts in alphabetical order. These cards constitute the "District Register", which must likewise be kept in the office of the commission (12).

The registrar of vital statistics is required to report weekly the deaths of residents in his district to the registration commission (13), which must then cancel the registration of the elector so reported. Municipal departments and public utility corporations furnishing electricity, gas, water, or steam to householders are required to report at least once a month to the commission all cases of discontinuance of their service. Real estate brokers and rental agents must also, upon request, record the names of tenants who have moved from property managed by them (14).

The commission may at any time verify the registration of an elector. For this purpose it may designate an inspector, who must make a record of the name and address of each person, who is not found at the address at which he is registered (15).

Three months after each municipal election and seven months after each general election, the commission is required to prepare a preliminary street list of the names and addresses of registered electors arranged by streets and house numbers. The commission must make copies of these lists, and distribute them among election inspectors and other officials (16).

Not later than noon of the third day preceding an election or primary the commission must correct the district registers, and deliver them to the election officers. Upon delivery, the district registers must be in binders so constructed and locked that the name, address, voting record, and other data may be visible. On the binders should be printed "District Register of Voters" (17).

As each voter qualifies and votes, the election officer writes or stamps in the district register the date of election or primary, the number of the ballot stub issued to him, or his number in the order of admission to the voting machines; and at the primaries, a letter designating the party in whose primary he votes. After the polls are closed, the names of the electors of the district register marked as having voted are immediately counted, and the result compared with the number of persons voting, as shown by the voting check list. The district register and voting check list are then returned to the custody of the registration

11- 1935 PL 478 No. 195 s 21; 1937 PL 849 s 25; 1937 PL 487 s 24. 12- 1935 PL 478 No. 195 s 22; 1937 PL 849 s 26; 1937 PL 487 s 25. 13- 1935 PL 478 No. 195 s 26; 1937 PL 849 s 30 (a); 1937 PL 487 s 29 (a). 14- 1937 PL 849 s 30 (c); 1937 PL 487 s 29 (c). 15- 1935 PL 478 No. 195 s 28 (a); 1937 PL 849 s 32; 1937 PL 487 s 31. 16- 1937 PL 849 s 33 (b) (c); 1937 PL 487 s 32 (b) (c). 17- 1935 PL 478 No. 195 s 31 (a) (b) and 1937 PL 849 s 36 (a) (b); 1937 PL 482 s 35 (a) (b).

commission by the judge of election (18).

The records of the registration commission are kept in the office of the commission in the basement of the courthouse.

428. ORIGINAL REGISTRY LIST, 1935-36. 554 vols. (boroughs and townships).
Register of qualified voters, showing date, name, address, whether householder, lodger, or boarder, political party preference, occupation, citizenship, color, age, sex, physical description, length of residence in division, and if registering for first time, name and address of known voter sponsoring applicant. Arr. alph. by name of voter. No index. Hdw. on ptd. fm. Aver. 50 pp. 8½ x 11 x 1.

429. REGISTRATION CARDS, 1937--. 70,000 cards. Permanent containers not yet supplied.
Card record of registered voters, showing name of municipality, serial no., voter's name, address, ward and district nos., occupation, length of residence in election district, place of last registration, sex, color, physical description, naturalization certificate no., derivative naturalization, if help is needed in voting, political party for primary vote, signature or mark of voter, and signature of registrar. Arr. alph. by name of municipality and num. by ward and dist. nos. No index. Hdw. on ptd. fm. 5 x 8.

18- 1935 PL 478 No. 195 s 32 (g); 1937 PL 849 s 37 (g); 1937 PL 487 s 36 (g).

(Next entry 430, p. 175)

XXV. COUNTY BOARD OF ELECTIONS

The supervision of elections by county officials was, until 1937, divided among four authorities, the board of county commissioners, the sheriff, the court of common pleas, and the court of quarter sessions as provided in numerous election laws and codes enacted since 1799 (1). The board of county commissioners was required to receive nomination petitions, and furnish all materials needed for elections. In case of an election of county commissioners and in the primaries, returns were sent to the county commissioners. In case of a general or municipal election the returns were sent to the prothonotary of the court of common pleas. The county commissioners were required to compute and certify the returns of elections for county commissioners and of primary elections. The sheriff received official lists of candidates, returns of elections, and gave notice of new elections in case an election was declared void (2). The court of common pleas was empowered to appoint overseers of elections upon receipt of a petition from the citizens of an election district, and to compute and certify returns for the general and municipal elections. The court of quarter sessions determined election districts (3).

The county board of elections was created in 1937, to have jurisdiction over the conduct of all primaries and elections (4). The act codified existing election laws, making few important changes except in the administration of election procedure and in the keeping of the records pertaining thereto. The county board of elections consists of the board of county commissioners (5). The board meets in the office of the county commissioners on the first floor of the courthouse. The county commissioners receive no additional salary for serving on the board of elections, but are furnished with supplies by the county.

All actions of the board must be decided by a majority vote of the members (6). They may make regulations to govern their public sessions in matters relating to the administration and conduct of their affairs; issue subpoenas; compel the production of evidence; fix the time and place for hearings; administer oaths (7).

The powers and duties of the board include the following. They must investigate and report to the court of quarter sessions their recommendations on

1- For a history of legislation pertaining to elections see Edward Bates Logan, Supervision of the Conduct of Elections and Returns with Special Reference to Pennsylvania, Lancaster, 1927, chapter I, and James H. Wallace, Jr., "Permanent Registration and County Election Code," Report of the Fifty-first Annual Convention of the Pennsylvania State Association of County Commissioners, Williamsport, 1937, pp. 3-7. 2- 1799, 3 Sm L 340 s 13; 1874 PL 31 s 13; 1874 PL 208 s 37; 1893 PL 417 s 9; 1897 PL 223 s 5; 1899 PL 127 s 1; 1903 PL 338 s 1; 1909 PL 425 s 1; 1923 PL 267 No. 171 s 1; 1925 PL 103 s 1 rep. 1937 PL 1333 s 1901. 3- Logan, op. cit., pp. 45-56. 4- 1937 PL 1333. 5- Ibid., s 301. 6- Ibid., s 303. 7- Ibid., s 304.

all petitions presented to the court for any change of election districts, and present petitions for such changes in proper cases; select and equip polling places; purchase and maintain equipment and supplies; appoint employees, voting machine custodians, and machine inspectors; issue certificates of appointment to watchers; make all rules for the guidance of voting machine custodians, election officers, and electors; instruct election officers in their duties, and inspect the conduct of primaries and elections; prepare and publish all notices; investigate election frauds and illegalities, and report all suspicious circumstances to the district attorney; receive and determine the sufficiency of nomination petitions, certificates, and other papers required to be filed with the board; receive returns from district election officers, compute them, and certify the results to the Secretary of the Commonwealth; publicly announce results of elections, and post and issue certificates of election to successful candidates; prepare and submit an annual report to the Secretary of the Commonwealth of the number of electors registered; annually prepare and submit to the appropriate authorities an estimate of the cost of primaries, elections, and expenses of the board for the ensuing fiscal year; perform such other duties as may be prescribed by law (8).

All documents and records in the custody of the board, except the contents of voting machines and ballot boxes and records of assisted voters, are open to public inspection, and are preserved for at least eleven months (9).

Records found in this office antedating the establishment of the county board of elections formerly belonged to the county commissioners, the clerk of courts, the prothonotary, and the sheriff.

Returns

(See also entries 179, 213, 214, 414, 428, 429)

430. ELECTION RECORDS, 1873-92. 2 vols. 1893-1930 in Election Returns, entry 431.

Prothonotary's record of all election returns, showing names of candidates, office sought, number of votes cast by election districts, certification by prothonotary, judges, and judge of elections. Arr. chron. by date of entry. No index. Hdw. Aver. 202 pp. 16 x 13 x 2. Proth. off.

431. ELECTION RETURNS, 1878-1930. 10 vols. (1-10), 1931-- in Record of General Elections, entry 432, and Election Returns (Townships and Boroughs), entry 433.

Clerk of courts' record of official election returns received from prothonotary, showing date of election, name of municipality, candidates, office sought, and number of votes received. Also contains: Election Records, 1893-1930, entry 430. Arr. alph. by name of municipality. No index. Hdw. on ptd. fm. Aver. 300 pp. 18 x 16 x 2. 1878-1924, vols. 1-9, clk. of cts. bsmt. vlt.; 1924-30, vol. 10, clk. of cts. off.

8- Ibid., s 302. 9- Ibid., s 308.

County Board of Elections - Expense Accounts; Petitions (432-438)

432. RECORD OF GENERAL ELECTIONS, 1920--. 1 vol.
Clerk of courts' record of general election returns, compiled from entry 435, showing date of election, names of candidates, party affiliation, election districts, and total number of votes received. Also contains: Election Returns, 1930--, entry 431. Arr. chron. by date of election. No index. Hdw. 200 pp. $19\frac{1}{2}$ x $46\frac{1}{2}$ x 3. Off. of secty. to the judges.

433. ELECTION RETURNS (Townships and Boroughs), 1931--. 1 vol.
Clerk of courts' record of elections in boroughs and townships compiled from entry 435, 1870-1930 in Election Returns, entry 431, showing name of municipality ward, and district, names of candidates, office sought, and total number of votes received. Arr. chron. by date of election, and alph. by name of municipality. Indexed alph. by name of municipality. Hdw. on ptd. fm. 378 pp. $19\frac{1}{2}$ x $26\frac{1}{2}$ x 3. Off. of secty. to the judges.

434. RECORD OF PRIMARY ELECTIONS, LUZERNE COUNTY, 1907-13. 1 vol. and duplicate set of 2 vols. (1907-11).
Record of votes cast in primary elections, showing date of election, names of candidates, office sought, party affiliation, legislative district no., number of votes received by legislative districts, name of clerk computing the returns, and affidavit by commissioners guaranteeing count. Arr. num. by legislative dist. no. and chron. by date of election. No index. Hdw. Aver. 300 pp. 19 x 31 x $2\frac{1}{2}$. Comms. bsmt. vlt.

435. ELECTION TABULATION SHEET, 1930. 17 papers in 1 bdl.
Record of votes cast, showing names of candidates, office sought, number of votes received. Recorded in entries 432 and 433 and destroyed. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 22 x 24 x 1/8. Comms. bsmt. vlt.

Expense Accounts

436. ELECTION EXPENSES, 1925--. 9,000 papers in 35 f.b. Prior records destroyed.
Expense accounts filed by candidates for office, with the clerk of courts, showing date of election, name and address of candidate, office sought, itemized record of receipts and expenses, and date filed. Attached are receipts for disbursements made, showing item of expense, date, amount, and name of payee. Arr. chron. by date filed. No index. Typed on ptd. fm. $10\frac{1}{2}$ x $4\frac{1}{2}$ x 15. 1925-33, 28 f.b., clk. of cts. bsmt. vlt.; 1934--, 7 f.b., clk. of cts. off. safe.

437. CANDIDATES' EXPENSE ACCOUNTS, 1907-14. 1 vol. Discontinued.
Record of expenses incurred by candidates for election to office, showing account no., date of election, name of candidate, office sought, date of filing account and amount expended. Arr. num. by account no. Indexed alph. by name of candidate. Hdw. on ptd. fm. 650 pp. 18 x 2 x 3. Clk. of cts. bsmt. vlt.

Petitions
(See also entries 213, 214)

438. PETITIONS FOR NOMINATIONS FOR TOWNSHIPS, 1935--. 1 vol.
Records destroyed every two years.
Record of nomination petitions filed with the county commissioners, showing name,

address, and occupation of candidate, office sought, date of filing petition, and position on ballot. Arr. chron. by name of municipality and num. by ward nos. No index. Hdw. 900 pp. 16 x 14 x 6. Comms. bsmt. vlt.

439. PETITIONS FOR NOMINATIONS FOR BOROUGHS, 1913, 1935--. 2 vols. Except 1913, records destroyed every two years. Title varies: Petitions for Borough Offices, 1913, 1 vol.
Record of nomination petitions filed with the county commissioners, showing name, address, and occupation of candidate, office sought, date of filing petition, and position on ballot. Arr. alph. by name of municipality and num. by ward nos. 1913 indexed alph. by first letter of name of boro. 1935--. not indexed. Hdw. Aver. 600 pp. 15 x 11 x 3. Comms. bsmt. vlt.

440. PETITIONS FOR NOMINATIONS FOR CITIES AND COUNTY, 1913, 1935--. 2 vols. Except 1913, records destroyed every 2 years. Title varies: Petitions for County and City Offices, 1913, 1 vol.
Record of nomination petitions filed with the county commissioners, showing name, address, and occupation of candidate, office sought, date of filing petition, and position on ballot. Arr. alph. by name of municipality and num. by ward nos. 1913 indexed alph. by first letter of name of municipality. 1935--. not indexed. Hdw. Aver. 600 pp. 15 x 11 x 3. Comms. bsmt. vlt.

441. PETITIONS FOR COUNTY COMMITTEEMEN, 1930, 1936--. 2 vols. Except 1930, records destroyed every 2 years.
Record of petitions filed by citizens seeking offices of committeemen, showing name of municipality, party affiliation, file no., date received, name of petitioner, district of committeeman's jurisdiction, and initials of person receiving petition. Arr. alph. by name of municipality and chron. by date received. No index. Hdw. Aver. 600 pp. 13 x 11 x 2. Comms. bsmt. vlt.

(Next entry 442, p. 180)

XXVI. COUNTY SUPERINTENDENT OF SCHOOLS

As far back as 1773, Connecticut settlers in the Wyoming Valley developed a system of free public schools. In that year the citizens voted to levy a tax for the support of a school in each township on land appropriated by the Susquehanna Company to the township for educational purposes. When the jurisdiction of Connecticut ceased in 1782 the tracts of land were sold, and the proceeds added to the township funds (1). Between 1782 and 1821 there was no concerted effort to bring about a public school system in Pennsylvania except an act passed in 1802 which provided that children of paupers be educated in private schools at public expense (2), and an act passed in 1809 which provided that teachers in private and sectarian schools be remunerated for instructing such children (3).

From 1821 and 1834 there was a noticeable growth in educational activity which culminated in the Free School Act of 1834, bolstered against repeal in 1835, and incorporated into the first Pennsylvania School Code of 1836 (3). In 1834 Luzerne County voted to accept the provisions of the Free School Act by levying a school tax equal to the sum appropriated by the State to the county (4).

Prior to 1854 widely diversified views of education prevailed throughout the State since the public school system was intensely local. Local boards of school directors in the townships, boroughs, and cities controlled the actual work of the schools. Although a State Superintendent was provided for, his duties were largely clerical, and he exercised little or no supervisory control over local units (5). In 1854 the office of county superintendent of schools was created by statute as an intermediary between the State and all local units. He was chosen by all school directors in the county for a three-year term (6). He was directly responsible to the local boards of school directors for carrying out their education ideas. On the other hand he was an agent of the State empowered to exercise definite legal authority over those who had chosen him (7).

In 1911 when school districts were classified according to population the jurisdiction of the county superintendent of schools was limited to those of a certain class. Districts having a population of 500,000 or more are districts of the first class; those having a population of 30,000 to 500,000 are districts of the second class; those having a population of 5,000 to 30,000 are districts of the third class; and those having a population less than 5,000 are school districts of the fourth class (8).

1- Stewart Pearce, Annals of Luzerne County, Philadelphia, 1866, p. 262. 2- Joseph J. McCadden, Education in Pennsylvania, 1801-1835, and Its Debt to Robert Vaux, Philadelphia, 1937, p. 19. 3- Ibid., p. 112. 4- Pearce, op. cit., p. 262. 5- Louise C. and Matthew John Walsh, History and Organization of Education in Pennsylvania, Indiana, (Pennsylvania), 1930, p. 176. 6- 1854 PL 617 s 37. 7- Walsh, op. cit., p. 176. 8- Jacob Tanger and Harold F. Alderfer, Pennsylvania Government, State and Local, Harrisburg, 1933, p. 276.

County Superintendent of Schools (Next entry 442, p. 180)

In all but first class school districts the charge of affairs is vested in a board of school directors elected by the people for a six-year term. A district superintendent must be chosen by the board in every district of the first and second class, and may be chosen in districts of the third class. The directors of third and fourth class districts having no district superintendent may elect a supervising principal (9). Those third class districts not electing a district superintendent and all fourth class school districts are under the direct supervision of the county superintendent. Districts under the direction of the district superintendents are in no way supervised by the county superintendent. In Luzerne County there are no first class districts, two second class districts, twenty-two third class districts, and forty-six fourth class districts. Of these, thirteen third class districts and all fourth class districts are under the supervision of the county superintendent (10).

The county superintendent of schools is now elected for a four year term by a majority vote of all school directors of the county in convention except those of districts having superintendents. He receives his salary from the state (11), and his office is supplied by the county commissioners (12). He is authorized to nominate assistants (13) of which there are four in Luzerne County.

The county superintendent must hold a diploma from an institution approved by the State Council of Education, have had six years successful teaching experience, not less than three of which have been in a supervisory capacity, and must have completed an approved graduate course in education (14). He receives a commission (15) from the State Superintendent of Public Instruction with whom he must file his oath of office (16). The superintendent must by advertisement notify the boards of school directors of the election of his successor (17).

In 1937 there was created, under the supervision of the county superintendent, a county board of school directors consisting of five school directors from the several school districts in the county, who are elected at the annual convention of school directors (18). The superintendent is the chief executive officer of this board and ex-officio a member of all committees.

The superintendent or his assistants must visit the schools under his supervision as often as is practicable, note the methods of instruction, the branches taught, and give necessary directions in the methods of teaching. He must report deficiencies to the proper boards of directors (19), inspect school grounds, buildings, and equipment and report violations regarding sanitation and other conditions to the district directors (20).

9- Walsh, op. cit., p. 364. 10- Luzerne County School Directory, Wilkes-Barre, 1937. 11- 1911 PL 309 s 1121; 1915 PL 193 s 1; 1917 PL 737 s 1; 1919 PL 300 s 1; 1933 PL 1072 s 1. 12- 1911 PL 309 s 1125; 1913 PL 129 s 1. 13- 1911 PL 309 s 1126; 1929 PL 1078 s 1. 14- 1911 PL 309 s 1103; 1921 PL 328 s 2; 1931 PL 243 s 22. 15- 1911 PL 309 s 1110, 1111. 16- 1911 PL 309 s 1146. 17- 1911 PL 309 s 1106. 18- 1911 PL 309 s 809 added 1937 PL 605 s 5. 19- 1911 PL 309 s 1123, 20- Ibid., s 1124.

He is required to issue provisional (21) and professional (22) teachers' certificates and may also endorse and validate in the districts under his supervision professional certificates issued by another superintendent of schools of the Commonwealth (23). The superintendent must keep examination papers upon which professional certificates are issued, for not less than three years (24); a record of all provisional and professional certificates issued, or endorsed by him; a record of all other certificates held by teachers in the schools within his jurisdiction (25).

He must sign the annual budgets and financial reports of the school districts, which are certified and forwarded to the Department of Public Instruction. He furnishes all reports required by the county board of school directors and by the Department of Public Instruction (26).

All records of the superintendent are kept in his office in the Wilkes-Barre Deposit and Savings Bank Building. No records of the county superintendent were found prior to 1922 except teachers' record cards. Except for the personnel records, all records listed are copies of reports made to the State Department of Public Instruction.

Personnel

442. LUZERNE COUNTY TEACHER'S RECORD CARD (Active File), Sept. 1934--. 1,700 cards in 40 trays (A-Z by contained letters of alphabet).

Educational, certification, and experience records of teachers employed by the county. Educational record shows name, permanent and local address of teacher, date of birth, names and addresses of institutions attended, dates of attendance, nature of course and degrees; certification record shows kind and no. of certificate, dates issued and made permanent, and subject on certificate; experience record shows dates, names of districts, and positions held, grade subjects taught, yearly salary, date registered and signature of teacher. When teacher is no longer employed her card is removed and filed in Teacher's Record Card (Inactive File), entry 443. Arr. alph. by names of dist. and teacher. No index. Hdw. on ptd. fm. 1 x 8 x 24.

443. TEACHER'S RECORD CARD (Inactive File), 1911--. 2,000 cards in 4 f.d. (A-Z by contained letters of alphabet).

Teacher's educational, certification, and experience records formerly filed in entry 442. Arr. alph. by name of teacher. No index. Hdw. on ptd. fm. 8 x 6 x 15.

444. (REGISTERED TEACHERS NOT YET PLACED), 1934--. 200 cards in 1 f.d.

Educational, certification, and experience records of teachers registered for employment in the county. When a teacher is employed her card is placed in Luzerne County Teacher's Record Card (Active File), entry 442. Not arr. No index. Hdw. on ptd. fm. 1 x 8 x 24.

21- Ibid., s 1302, 1303. 22- Ibid., s 1304. 23- Ibid., s 1307. 24- Ibid., s 1305. 25- Ibid., s 1323. 26- 1911 PL 309 s 807 am. 1937 PL 605 s 6.

Statistics

445. SUPERINTENDENT'S ANNUAL REPORT, 1926--. 170 papers in 1 f.b.
Annual report of superintendent on schools and teachers employed, showing date, names of districts, number and kind of schools operated, number and sex of teachers and pupils, number, education, and service record of certified teachers, salary and classification of teachers, teacher turnover, number of children requiring special education, with cause, and signature of superintendent. Arr. chron. by date of report and alph. by name of school dist. No index. Hdw. on ptd. fm. 12 x 12 x 24.

446. ANNUAL FINANCIAL REPORT, 1922--. 1,000 papers in 1 f.b.
Annual financial report by secretaries of district school boards, showing date, names of districts, townships, or boroughs, school, real estate tax and tax rate, funds on hand, number of supervisors and teachers, amount and type of expenses, sinking fund report, assets, liabilities, value of school property, data concerning bond issues, affidavit of secretary, and certification by county superintendent. Arr. chron. by date of report, and alph. by name of school dist. No index. Hdw. on ptd. fm. 12 x 12 x 24.

447. ELEMENTARY SCHOOL AGE GRADE TABLE, 1926--. 1,000 papers in 1 f.b.
Age grade table, showing no. and name of district, name of teacher, grade, sex, age, and number of pupils in each grade, percent and number of pupils under and over normal age, name, sex, grade, age of pupils gravely retarded, with cause of retardation. Arr. chron. by date filed and alph. by school dists. No index. Hdw. on ptd. fm. 12 x 12 x 24.

448. SECONDARY SCHOOL CLASSIFICATION REPORT, 1926--. 370 papers in 1 f.b.
Report of classification of schools, showing names of districts, if school is joint or consolidated, class of district, name and address of school, classes taught, classification requested, total number of pupils enrolled, names of school counselors or deans, guidance program, grades, subjects, numbers of groups and pupils in each, time schedule, monthly tuition charge for non-resident pupils, numbers of principals, teachers, and staff members with periods taught weekly by each; average teacher load, library data, size of classes by department of instruction, number of non-resident pupils by grade and district, number of pupils graduating at end of school term, showing vocation pursued, date of report, signatures of principals, recommendations by and signature of county superintendent. Arr. alph. by name of dist. and chron. by date filed. No index. Hdw. on ptd. fm. 12 x 12 x 24.

449. SECONDARY SCHOOL PRACTICAL ARTS REPORT, 1934--. 100 papers in 1 f.b.
Report of vocational practical art classes, showing names of school, principal, district, class of district, net enrollment for term by grades and sex, grades in which home economics or industrial art is a required or an elective subject, names and addresses of teachers, grade taught, certificate held, pupils enrolled in each grade, salary received, name of curriculum, grades in which taught, hours of instruction per pupil, list of subjects, student preparation with grade and type of work, dates and signatures of principal and county superintendent. Arr. alph. by name of dist. and chron. by date filed. No index. Hdw. on ptd. fm. 12 x 12 x 24.

450. VOCATIONAL TRADE AND INDUSTRIAL SCHOOLS OR CLASSES, REPORT OF CLASSES OPERATED FOR EMPLOYED PERSONS, 1931--. 230 papers in 1 f.b.

Report of classes operated for employed persons, showing names and class of districts, name and address of school or plant, date of report, name and title of person directing vocational program, dates and signatures of principal and county superintendent; names and addresses of teachers, subjects taught, number of pupils, certificate held and salary received, names of subject and teacher, minimum entrance age, days and hours classes meet, number of sessions and hours taught, total enrollment, additional information relative to program, and names and addresses of cooperating firms and agencies. Arr. alph. by name of dist. and chron. by date filed. No index. Hdw. on ptd. fm. 12 x 12 x 24.

451. SECONDARY SCHOOL VOCATIONAL AGRICULTURE REPORT, 1931--. 230 papers in 1 f.b.

Vocational agriculture class reports, showing names of school district or consolidated school, names and addresses of school and secretary of school board, date of report, name and title of person directing program, dates and signatures of principal and county superintendent, total enrollment by sex and grades, names of teachers, subject, percent of time devoted to agriculture, length of period, monthly and yearly salary, enrollment in agricultural subjects giving subject for each grade, number of pupils, weekly periods for recitation and laboratory, and totals. Arr. alph. by name of dist. and chron. by date filed. No index. Hdw. on ptd. fm. 12 x 12 x 24.

Budget

(See also entry 44)

452. ANNUAL SCHOOL BUDGET, 1936--. 130 papers in 1 f.b.

Annual budget, showing date, names of district and township, general and detailed estimate of approved expenditures with amounts and tax rate voted and signatures of president and secretary of board of school directors, estimate of receipts, number of teachers, supervisors, schools and pupils, amount of increase or decrease in payroll, and certification by county superintendent. Arr. chron. by date of report and alph. by name of school dist. No index. Hdw. on ptd. fm. 12 x 12 x 24.

453. APPLICATION FOR APPROPRIATION, 1922--. 1,000 papers in 1 f. b.

Application for appropriation, showing date, names of district, township, or borough, number of supervisors and teachers employed, names of teachers, certificate held, if new position, name of school, subjects taught, previous and present salary, affidavit of secretary of school board, notarial seal and signature of county superintendent. Arr. alph. by name of school dist. and chron. by date of application. No index. Hdw. on ptd. fm. 12 x 12 x 24.

454. APPLICATION FOR APPROPRIATION FOR HIGH SCHOOL TUITION, 1931--. 175 papers in 1 f.b.

Application for high school tuition paid by one district for secondary education in another district, showing names of township or borough, and district, date of application, name, age, and grade of pupil, number of months and name of district attended, monthly tuition rate and total tuition.

Also affidavit of secretary of district board of school directors, showing name of district, date of affidavit, signature and address of secretary, notarial seal, verification of report by county superintendent. Arr. alph. by name of dist. and chron. by date filed. No index. Hdw. on ptd. fm. 12 x 12 x 24.

455. APPLICATION FOR APPROPRIATION FOR TRANSPORTATION, 1926--.
450 papers in 1 f.b.

Application for appropriation for transportation of pupils, showing names of school district, school, number and age of pupils, name of contractor and operator, type of vehicle, amount paid, expenses of operating district owned vehicles, and total costs of transportation, affidavit of secretary of school board and verification by county superintendent, and date. Arr. alph. by name of dist. and chron. by date of report. No index. Hdw. on ptd. fm. 12 x 12 x 24.

(Next entry 456, p. 189)

XXVII. THE POOR DISTRICTS OF LUZERNE COUNTY

Luzerne County under the Township Unit of Administration

During the earlier colonial period of Pennsylvania history it was the duty of the county court to levy a tax for the care of public charges as provided in the Duke of York's laws (1676). This tax took the form of a poll-tax, the town constables making out a list of taxables, and the high sheriff making the collections (1) (see Governmental Organization and Records System). No mention was made of the manner in which the poor were to be maintained, but they were probably the charge of the church wardens of the parish, selected by the court as in New York State (2). William Penn's first Assembly (1682) likewise passed a law providing for the care of the poor by the courts. By this law, however, the township was substituted for the parish as an administrative unit (3). In 1700 a general poor law was enacted which was based almost entirely on the English poor laws of Queen Elizabeth and Charles II. Under this law, poor relief was placed under the control of overseers of the poor appointed by the justices' court which had jurisdiction over all types of applicants for relief: able-bodied adults, children, insane, criminals, blind, and chronically ill (4).

Since 1700 there have been three general revisions of the poor laws: the Acts of 1771, 1836, and 1925. The Act of 1771 provided for the annual appointment of two overseers of the poor in each township by the justices of the peace at a yearly meeting (5). These officers were constituted a corporate body, and were empowered with the consent of two justices, to levy a tax for the support of the indigent (6). The Acts of 1836 and 1925 favored the county as an administrative unit for poor relief, but this system was adopted only in a few northern counties of the state. It should be noted here that Luzerne County was settled largely by Connecticut Yankees (see Historical Sketch of Luzerne County). Their traditional attachment to the New England pattern of town government was instrumental in preventing the full establishment of the county unit and in retaining the township basis.

The township overseers were required to keep an account of all receipts and expenditures. Their books were required to be audited by three freeholders chosen annually by the people of the township (7). The overseers were further obliged to keep on record the names of indigents, the time each became a public charge, and the names of all persons brought from Europe as servants, and transferred from one township to another (8).

1- E.R.L. Gould, Local Government in Pennsylvania, Baltimore, 1883, I, 25. 2- Gould, op. cit., pp. 25, 26. 3- Charters to William Penn and the Laws of the Province of Pennsylvania, Harrisburg, 1879, p. 115. 4- For a brief summary of the legislative history pertaining to poor relief, see Report of the Poor Law Commission of 1890, Harrisburg, 1890, passim.; Calvin G. Beitel, A Treatise on the Poor Laws of Pennsylvania, Philadelphia, 1899, p. V. 5- 1771, 1 Sm L 332 s 2. 6- Ibid., s 4. 7- Ibid., s 11. 8- 1749, V St. at L. 79 s 5; 1771, 1 Sm L 332 s 11.

With the consent of two or more justices of the peace, the overseers were permitted to bind poor children up to twenty-one years of age as apprentices in private homes (9).

The overseers were empowered to erect almshouses in the townships, but because of the financial burden involved in maintaining them, several townships consolidated their efforts and erected an almshouse under the management of a common board of directors. In this manner three such consolidated districts were organized in Luzerne County: the Pittston-Jenkins Poor District, the Central Poor District, and the Middle Coal Field District.

The Pittston-Jenkins Poor District

By a special act of the General Assembly approved May 8, 1857, a poor district was created and incorporated as the "Directors of the Poor of Jenkins Township, Pittston Borough, and Pittston Township" (10). It covers the upper eastern section of Wyoming Valley. The district includes Pittston City, six boroughs: Duryea, Avoca, Dupont, Hughestown, Yatesville, and Laflin, and two townships: Jenkins and Pittston, all in Luzerne County. Furthermore, it extends into Lackawanna County, and includes the twenty-second ward of the City of Scranton, three boroughs: Moosic, Taylor, and Old Forge, and one township: Lackawanna.

The poor district is governed by five directors appointed by the court of common pleas of Luzerne County. The institution and its records will receive further study in the Inventory of County Archives of Pennsylvania, No. 35, Lackawanna County.

The Central Poor District

By a special act of the General Assembly approved April 2, 1860 (11), the township of Wilkes-Barre was authorized to erect a poorhouse. By this act the township of Wilkes-Barre was incorporated into a poor district known as the "Directors of the Poor of Wilkes-Barre Township". By a supplement to the act, approved March 1, 1862 (12), several townships which were annexed to the district and the corporation, made the "Directors of the Poor of the Central Poor District in the County of Luzerne". In 1863 (13) and 1864 (14) additional boroughs and townships were annexed. In 1867 the corporate name was changed to the "Central Poor District of Luzerne County" (15). The district extends from West Wyoming near Pittston, to Newport below Nanticoke. It is located entirely in Luzerne County. It includes the City of Wilkes-Barre, the City of Nanticoke, and seventeen boroughs: Ashley, Courtdale, Edwardsville, Forty Fort, Kingston, Larksville, Laurel Run, Luzerne, Miners Mills, Parsons, Plymouth, Pringle, Sugar Notch, Swoyerville, Warren Run, West Wyoming, and Wyoming, and six townships: Hanover, Kingston, Newport, Plains, Plymouth, and Wilkes-Barre.

9- 1771, 1 Sm L 332 s 8. 10- 1857 PL 439 repl. and am. 1881 PL 77. The name of "Pittston Borough" was changed to Pittston City, April 1, 1895. 11- 1860 PL 538. 12- 1862 PL 64. 13- 1863 PL 298. 14- 1864 PL 326. 15- 1867 PL 378.

The Poor Districts of Luzerne County (Next entry 456, p. 189)

There are eight directors of the poor appointed by the court of quarter sessions for a five year term. Vacancies are filled by the court (16). Salaries are fixed by statute (17). The board of directors may choose from its members a president, a treasurer, and a secretary (18). It may also designate and fix the salaries of minor officials (19). It is authorized to appoint an attorney at a salary limited by statute (20). There is no requirement that directors be bonded. The treasurer and tax collector, however, are required to give bond with security to the directors (21). Prior to 1911 the accounts of poor directors were audited yearly at the Wilkes-Barre courthouse by the senior auditors of the townships and boroughs, three of whom constituted a quorum (22). Since 1911 three auditors have been appointed triennially by the court of common pleas of Luzerne County to audit the accounts of the directors (23). The board may set a rate of assessment on real and personal property, and occupations subject to county tax at a rate not exceeding ten mills (24), and appoint tax collectors, who may be the same persons who collect township or borough taxes (25). The treasurer may pay out money only on orders drawn and signed by at least three directors (26).

The home and hospital of the district are located at Retreat on the banks of the Susquehanna River about nine miles from Wilkes-Barre. The farm originally consisted of 146 acres of land purchased in 1860 by the directors of the poor of Wilkes-Barre township. The buildings upon the farm served the purposes of the district for several years. In 1878 a three-story brick building for women was built. In 1882 a dwelling was erected for the superintendent, and in 1884 a new three-story structure for men. A new addition to the latter was made in 1895. The almshouse accommodates about three hundred persons. It also contains an infirmary for the chronically ill. In 1898 the building of a hospital for the indigent insane was begun, and was opened on July 1, 1900. Other buildings, such as the enginehouse, boilerhouse, piggery, and dairy are detached from the main structure. The main buildings are located on the eastern bank of the Susquehanna River. On the west bank is located the major portion of the farm.

The hospital for the insane has a capacity of about four hundred patients, and is thoroughly equipped. It is staffed with physicians, dentists, occupational therapists, nurses, and social workers (27).

All orders for relief must be directed to the poor directors, who are required to investigate each case. Relief may be non-institutional in which case the directors may issue orders for food, clothes, fuel, and medical care (28).

The directors are not required to make reports to the Luzerne County court, but must keep such records as are prescribed by the State Department of Welfare (29). In addition, they must submit an annual statement to this department on

16- 1862 PL 64 s 11. 17- 1917 PL 768. 18- 1867 PL 378 s 5. 19- 1862 PL 64 s 78. 20- 1917 PL 768. 21- 1860 PL 538 s 4; 1862 PL 64 s 5. 22- 1860 PL 538 s 11; 1862 PL 64 s 12; 1864 PL 326 s 4; 1867 PL 378; 1867 PL 740 s 7. 23- 1911 PL 1071. 24- 1862 PL 64. 25- 1864 PL 326 s 2; 1867 PL 378. 26- 1862 PL 64 s 8. 27- George H. Butler, Central Poor District of Luzerne County, Pennsylvania a Digest of Laws, Wilkes-Barre, 1902, pp. 17, 18. 28- 1860 PL 538 s 6. 29- 1872 PL 42 s 3.

the condition of the institution (30). Furthermore, they are required to make quarterly reports to the State Auditor General of the number of indigent insane transferred to the asylum (31).

The superintendent is required to furnish the directors with yearly statements of the income of the district's real estate, the amount of property on hand, and the number of persons admitted and discharged each year (32). The treasurer must render an annual account of his receipts and disbursements during the preceding year (33). According to the general rules of the Central Poor District the treasurer must present at the monthly meeting of the board a statement of the condition of the treasury, and the condition of each tax collector's account (34). It is the duty of the secretary to keep a record of all meetings, and accounts. He must take receipts for all money paid out by warrant. He is the custodian of bills presented to the board. He is required to keep a record of all orders of relief. These are found in the case histories. He must keep a record of all persons receiving outdoor relief, with the amount granted by the directors (35). He also keeps case and medical histories. The directors must publish an annual statement of the receipts, disbursements, and expenditures of the corporation during the preceding year (36).

General Provisions

The directors of the consolidated districts have complete charge of all buildings. They receive the aged, the chronically ill, the insane, and abnormal children. No normal child between the ages of two and sixteen may be kept at the almshouse for more than sixty days (37), but must be boarded with some charitable home for dependent children (see The United Charities of the City of Hazleton, and The Children's Home of the City of Wilkes-Barre) or boarded in a private home. These homes must be visited by an officer of the district once every six months, and a report submitted to the board of directors (38).

The directors may file a certificate with the prothonotary to the effect that an adult has become a public charge, or with the clerk of orphans' court when the indigent is a minor (39). Attached thereto must be an inventory of all property which the indigent owns. This property is liable for the expense of the inmates' support, maintenance, and burial (40).

The Middle Coal Field District

The Middle Coal Field District was organized in 1862 (41). It covers two townships on the southern boundary of Luzerne County; Foster and Hazle, the City of Hazleton, and three boroughs: Freeland, Jeddo, and West Hazleton. It also extends into the northern part of Carbon County. The poor district is governed by five directors appointed by the court of quarter sessions of Carbon County. The institution and its records will receive further study in the Inventory of

30- 1869 PL 90 s 8. 31- 1901 PL 674 s 2. 32- 1860 PL 538 s 10. 33- Ibid., s 10. 34- Butler, op. cit., p. 28. 35- Ibid., p. 27. 36- 1860 PL 538 s 10. 37- 1883 PL 111 s 1. 38- Ibid., s 2. 39- 1925 PL 762 s 1003. 40- 1925 PL 762 s 1000. 41- 1862 PL 178.

County Archives of Pennsylvania, No. 13, Carbon County.

Remaining Single Township and Borough Districts

The remaining portion of Luzerne County consists of single township and borough districts consisting of twenty-one townships: Conyngham, Dallas, Dennison, Dorrance, Exeter, Fairmount, Fairview, Hollenback, Hunlock, Franklin, Huntingdon, Jackson, Lake, Lehman, Nescopeck, Ross, Salem, Slocum, Sugarloaf, Union, and Wright, and nine boroughs: Conyngham, Dallas, Exeter, Nescopeck, New Columbia, Nuangola, Shickshinny, West Pittston, and White Haven. These districts are without institutional resources, and pay for the use of the facilities of the consolidated districts near them. Each district is under the supervision of two overseers of the poor elected for a four year term (42). No compensation is provided for under general law. The bond and surety required of overseers is double the amount of the proposed tax (43). The overseers may levy a tax of ten mills on property which is taxable for county purposes. This is collected by local tax collectors (44). The accounts of overseers must be audited by township and borough auditors, and report filed by them with the clerk of quarter sessions (45).

Transfer of Duties from Poor Directors and Overseers to New Agencies - The County Institution District

When in 1914 the mothers' assistance fund was created in Luzerne County (see The Board of Trustees of Mothers' Assistance) to provide pensions for widowed mothers, the poor directors and overseers were relieved of this responsibility. In 1931 the State Legislature, under the provisions of the Talbot Act, appropriated $10,000,000 to the poor boards throughout the state for distribution by them for the relief of unemployment. This experiment, however, was not successful, whereupon the state created the Emergency Relief Board with branches in each county to administer unemployment relief. In 1934, the legislature made provisions for blind pensions and old age assistance. The board of trustees of the mothers' assistance fund was selected to administer blind and old age pensions instead of the poor boards.

Beginning January, 1938, a radical change will be instituted in the administration of poor relief. All poor districts and the officers of poor directors and overseers will be abolished. In place of the consolidated township and borough districts will be substituted a single institution district corresponding to the area of the county. The institution district will be under the direct supervision of the board of county commissioners (46) (see The Board of County Commissioners). Non-institutional relief will be placed under the direction of the county public assistance board which will supplant the mothers' assistance fund (47). With the increase of outdoor assistance to the aged, blind, and able-bodied indigent it is expected that institutional relief will be confined chiefly to the hospitalization of the indigent insane and the chronically ill.

42- 1903 PL 246; 1911 PL 1052. 43- 1860 PL 174. 44- 1834 PL 509. 45- 1913 PL 254 s 2. 46- 1937 PL 2017. 47- 1937 PL 2015.

Central Poor District - Directors' Office; Almshouse (456-461)

The Directors' records are found in their office, those of the Almshouse and Mental Hospital are in Retreat, Pennsylvania.

Directors' Office

456. MINUTES OF MEETINGS, 1861--. 13 vols.
Minutes of Poor Board meetings, showing date and place of meeting, names of members present, report of each district director, business transacted, and signature of secretary. Arr. chron. by date of meeting. No index. Hdw. Aver. 500 pp. $8\frac{1}{2}$ x 15 x $2\frac{1}{2}$. Off. safe, rm. 5.

457. CASE HISTORIES, 1911--. 20,500 papers in 24 f.b. and 32 f.d. (1911-35, 24 f.b., dated; 1935--, 32 f.d., A-Z by contained letters of alphabet) 1861-1910 removed.
Master file of all cases including outdoor relief, children placed in boarding homes, and cases committed to almshouse or mental hospital at Retreat, showing date, case or register no., name and address, complete life, personal and family history, doctor's report, running record, correspondence, recommendation of investigator, disposition of case, and signatures of administrative agent and investigator. Arr. alph. by surname of applicant. No index. Typed and hdw. on ptd. fm. F.b., 14 x 13 x 18; f.d., 12 x 12 x 28. 1911-35, 24 f.b., bsmt. strm.; 1935--, 32 f.d., rm. 7.

458. HISTORY OF CASES, 1911--. 174 vols. 1861-1910 removed.
Complete resume of each case compiled from Case Histories, entry 457, showing case or register no., date, type of case, short summary and disposition of case. Arr. chron. by date of application. Indexed alph. by first letter of surname of applicant. Typed and hdw. on ptd. fm. Aver. 1300 pp. 11 x 12 x 3. Rm. 7.

459. INDEX TO CASE HISTORIES (Master Card Record), 1911--. 20,500 cards in 2 file cabinets.
Card record of case histories showing date of application, name and address of applicant, brief outline of facts, and disposition of case. Arr. alph. by surname of applicant. No index. Typed and hdw. on ptd. fm. 4 x 6 x 24. Rm. 7.

460. A GENERAL REPORT OF THE POOR BOARD OF LUZERNE COUNTY, 1861--. 2 vols.
General report of Poor Board of Luzerne County, showing dates, name of municipalities with name of director and population of each, no. of cases per capita; names and type of institutions with name of superintendent and per capita rate; weekly amount received for mental cases and total expenditures for each year. Arr. chron. by date of report. No index. Hdw. and typed. Aver. 500 pp. 8 x 14 x 2. Off. safe, rm. 5.

Almshouse

461. (CARD RECORD OF INMATES), 1877--. 36 Kardex trays (A-Z by contained letters of alphabet).
Card record of all inmates admitted to almshouse, showing date of admission, register no., name, last address, age, sex, and color of inmate; brief history,

length of residence, date and circumstances of discharge or death. Arr. alph. by surname of inmate. Typed and hdw. on ptd. fm. ½ x 9 x 18.

462. (CASE HISTORIES - ACTIVE), 1922--. 2 f.d. (A-Z by contained letters of alphabet).

Complete case histories of inmates, showing date of admission, register no., name, last address, physical description, nationality, length of residence in country, state, and county; name, address, and relationship of relatives, and signature of inmate; physical and mental condition of inmate, date of examination and signature of physician; conduct record; name of agent or institution authorizing admission, and length of residence. When an inmate is discharged or dies, the case history is removed from this file and placed in (Case Histories - Discharges) entry 463. Arr. alph. by surname of inmate. No index. Typed and hdw. on ptd. fm. 12 x 15 x 26.

463. (CASE HISTORIES - DISCHARGES), 1877--. 28 f.d. (A-Z by contained letters of alphabet)

Case histories of inmates who have died or been discharged, formerly filed in (Case Histories - Active), entry 462. Arr. alph. by surname of inmate. No index. Typed and hdw. on ptd. fm. 12 x 15 x 26.

Mental Hospital

464. COMMITMENTS, 1900--. 6,000 papers in 12 f.d. (7 f.d., Male A-Z, by contained letters of alphabet; 5 f.d., Female A-Z, by contained letters of alphabet).

Case histories of inmates including application, statement, certificates of physicians, and endorsement by poor board officials, physical examination, nature of admission, temperature and respiration charts, bedside record, X-ray requisition and findings, record of escapes, and request for autopsy. Records show admission no., date, name of patient, type and character of paper, and official seals and signatures. Arr. alph. by surname of patient. No index. Typed and hdw. on ptd. fm. 11½ x 13½ x 26½. Record rm.

465. (CARD RECORD OF ADMISSION), 1900--. 1,050 cards in 21 Kardex trays.

Master record of inmates admitted, including first admission, re-admission and transfer cards, showing admission no., name, address, age, physical description, family and personal history, resume of case, dates of admission, re-admission or transfer with names of institutions involved in transfer. Arr. chron. by surname of patient. No index. Typed. ½ x 9 x 18. Record rm.

466. DISCHARGE, 1900--. 3,400 cards in 17 f.d. (10 f.d., Male A-Z, by contained letters of alphabet; 7 f.d., Female A-Z, by contained letters of alphabet).

Card record of patients discharged from mental hospital, showing admission and case no., name of patient, age, nativity, complete physical and mental history, date and reason for discharge, name and address of person in whose custody patient was placed, and hospital discharge no. Arr. alph. by surname of patient. No index. Typed on ptd. fm. 11½ x 13½ x 26½. Supt. off.

Central Poor District - Mental Hospital (467)

467. DEAD (Card Record of Deaths), 1900--. 1,200 cards in 8 f.d. (4 f.d., Male A-Z, by contained letters of alphabet; 4 f.d., Female A-Z, by contained letters of alphabet).

Card record of deaths of inmates, showing admission and case no., name, age, nativity, physical and mental history, date and cause of death; if autopsy was performed, date and findings of same, and hospital discharge no. Arr. alph. by surname of patient. No index. Typed on ptd. fm. $11\frac{1}{4}$ x $13\frac{1}{2}$ x $26\frac{1}{2}$. Supt. off.

(Next entry 468, p. 193)

XXVIII. THE BOARD OF TRUSTEES OF MOTHERS' ASSISTANCE
Mother's Assistance Fund
Pension Fund for Blind
Old Age Pension Fund

Prior to 1913 the care of dependent children in Luzerne County was entirely institutional, and legally the duty of the poor directors and local overseers of the poor. The children were placed temporarily in an almshouse, and then sent to a private institution such as The Children's Home at Wilkes-Barre, and the United Charities at Hazleton, or placed with a family. In such cases the poor directors contributed a certain amount each day toward the maintenance of each child. The court of quarter sessions was also given the power to commit dependent children to charitable societies or families, in which case maintenance was paid by the county. The county was given recourse to recover such payment from the poor districts (1).

Non-institutional relief was provided for dependent children by the act of 1913, which recognized mothers' assistance for the first time in Pennsylvania. The provisions of the act could become effective only in those counties which agreed to provide an amount equal to state aid (2). The county commissioners of Luzerne County immediately voted to participate in the state program, whereupon the Governor appointed seven women, residents of the county, to act as trustees for a term of six years without salary. In 1919 the board was placed under the direction of a State Supervisor, who was a member of the staff of the State Board of Education (3). In 1921 the office of State Supervisor was transferred to the State Department of Welfare and incorporated with the Bureau of Children.

The purpose of the act of 1913 and its amendments enables mothers to give their children under sixteen years of age proper care. The board grants funds after an investigation is made, and a case study is completed for each family. One copy must be filed with the office of the board of trustees, another with the State Supervisor in charge, and two copies with an application for a warrant with the State Auditor General and the county treasurer (4). The first assistance to widows in Luzerne County was granted in March 1914.

In 1934 the duties of the trustees were extended by the Old Age Assistance Act which was designed for the relief of the aged and the blind (5). This act was passed in order that the State and its local subdivisions might benefit by the grant-in-aid provisions of the federal Social Security Act. Under the state act the county commissioners were required to make appropriations to pay for administrative expenses not exceeding six per cent of the total allocation of funds to the county. In 1937 the commissioners granted $35,390.58 for old age and blind assistance (6). The first grant made by the trustees to the aged

1- 1893 PL 399; 1907 PL 331; 1913 PL 177. 2- 1913 PL 118 s 2; 1919 PL 893. 3- 1919 PL 893 s 3. 4- 1913 PL 118 s 4 am. 1919 PL 893 s 10. 5- 1934 PL 282; 1936 Sp. Sess. PL 28 s 17. 6- Figures supplied by the controller's office of Luzerne County.

The Board of Trustees of Mothers' Assistance - Mother's Assistance Fund; Pension Fund for Blind; Old Age Pension Fund. (468-472)

was in October 1834, and the first grant to the blind in May 1934.

The records of the board of trustees of the mothers' assistance fund are in the administrative offices at 29 W. Northampton Street, Wilkes-Barre (7).

Mothers' Assistance Fund

468. M. A. F. (Mothers' Assistance Fund Minutes), 1914--. 24 vols. (dated).
Minutes of the Board of Directors, showing date of meeting, business transacted and signature of secretary. Arr. chron. by date of meeting. No index. Typed. Aver. 100 pp. $8\frac{1}{2}$ x 11 x 1.

469. (LEDGER, MOTHERS' ASSISTANCE FUND), 1914--. 2 vols.
Records of applications received, showing date of application, name and address of applicant, number of children under and over sixteen, no. and amount of grant, and disposition of case. Arr. chron. by date of application. Typed. Aver. 300 pp. 15 x 12 x 2.

470. MOTHERS' ASSISTANCE ACTIVE (Case Histories), 1914--. 9 f.d. (case no.).
Applications for assistance, showing name and address of applicant, case no., departmental, insurance, and bank investigations, running record, budget, correspondence, and medical records. When a case is no longer receiving aid, the case history is placed in Mothers' Assistance Cancelled (Case Histories), entry 472. Arr. num. by case no. Hdw. and typed on ptd. fm. 12 x 12 x 30.

471. (MOTHERS' ASSISTANCE FUND CARD RECORD), 1914--. 24 Kardex trays (A-Z).
Master card record of Mothers' Assistance cases, showing case no., name and address of applicant, birth dates of children, father's name, date and amount of each grant. Arr. alph. by surname of applicant. Typed on ptd. fm. 1 x 8 x 24.

472. MOTHERS' ASSISTANCE CANCELLED (Case Histories), 1914--. 3 f.d. (case no.)
Case histories of persons who have received aid, but whose cases have been closed. Cases formerly filed in Mothers' Assistance Active (Case Histories), entry 470.

7- Beginning January 1, 1938, the work of the mothers' assistance fund will be placed under the supervision of the county board of assistance. The new board will also take over the functions of the State Emergency Relief Board which grants assistance to unemployed; and the Central Poor District of Luzerne County which administers relief to indigents suffering from mental or physical infirmity. The county commissioners will cease to be responsible for administrative contributions which will become the sole responsibility of the State Department of Public Assistance.

The Board of Trustees of Mothers' Assistance - Mothers' Assistance Fund; Pension Fund for Blind; Old Age Pension Fund. (473-480)

Arr. num. by case no. Hdw. and typed on ptd. fm. 12 x 12 x 30.

473. M. A. F. (Mothers' Assistance Fund Index), 1914--. 1 f.d.
Alphabetical index to Mothers' Assistance Active (Case Histories) and Mothers' Assistance Cancelled (Case Histories), showing case no., name and address of applicant, date of application, names and birth dates of children. Typed on ptd. fm. 12 x 6 x 30.

474. MOTHERS' ASSISTANCE DISMISSALS, 1914--. 5 f.d.
Applications rejected for ineligibility, showing name and address of applicant, date of application, family history, number of dependents, and cause of rejection. Arr. alph. by surname of applicant. Hdw. and typed on ptd. fm. 12 x 12 x 30.

Pension Fund for the Blind

475. P. F. B. (Pension Fund for the Blind Minutes), May 1934--. 4 vols. (dated).
Minutes of the Board of Directors, showing date of meeting, business transacted and signature of secretary. Arr. chron. by date of meeting. No index. Typed. Aver. 100 pp. 8½ x 11 x 1.

476. (LEDGER, PENSION FUND FOR THE BLIND), May 1934--. 1 vol.
Records of applications received, showing date of application, name and address of applicant, name of examining physician, no. and amount of grant, and disposition of case. Arr. chron. by date of application. Typed. 300 pp. 15 x 12 x 2.

477. BLIND ACTIVE (Pension Cases), May 1934--. 2 f.d. (case no.).
Applications for pensions, showing name and address of applicant, case no., ophthomological report, departmental, insurance, and bank reports, running record, budget and correspondence. When a case is no longer receiving aid, the case history is placed in Blind Cancelled and Dismissed (Pension Cases), entry 478. Arr. num. by case no. Hdw. and typed on ptd. fm. 12 x 12 x 30.

478. BLIND CANCELLED AND DISMISSED (Pension Cases), May 1934--. 1 f.d.
Case histories of persons who have received aid, but whose cases have been closed. Cases formerly filed in Blind Active (Pension Cases), entry 477. Also contains: (Blind Dismissals, Rejected Applications), entry 480. Arr. num. by case no. Hdw. and typed on ptd. fm. 12 x 12 x 30.

479. BLIND (Index to Blind Pension Cases), May 1934--. 1 f.d.
Index to Blind Active (Pension Cases), and Blind Cancelled and Dismissed (Pension Cases), showing case no., name and address of applicant, dates of application and grant and in Blind Cancelled, date of cancellation. Also contains: (Blind Dismissals, Card Record), entry 481. Typed on ptd. fm. 12 x 6 x 30.

480. (BLIND DISMISSALS, REJECTED APPLICATIONS), May 1934--. In Blind Cancelled and Dismissed (Pension Cases), entry 478.
Applications rejected for ineligibility, showing name and address of applicant,

date of application, and cause of rejection. Arr. alph. by surname of applicant.

481. (BLIND DISMISSALS, CARD RECORD), May 1934--. In Blind (Index to Blind Pension Cases), entry 479.
Card record of (Blind Dismissals, Rejected Applications), entry 480, showing name and address of applicant, date of application, and cause of rejection. Arr. alph. by surname of applicant.

Old Age Pension Fund

482. O. A. P. (Old Age Pensions Minutes), Oct. 1934--. 4 vols. (dated).
Minutes of the Board of Directors, showing date of meeting, business transacted, and signature of secretary. Arr. chron. by date of meeting. No index. Typed. Aver. 100 pp. 8½ x 11 x 1.

483. (LEDGER, OLD AGE PENSION), Oct. 1934--. 2 vols.
Records of applications received, showing date of application, name and address of applicant, no. and amount of grant, and disposition of case. Typed. Aver. 400 pp. 15 x 12 x 3.

484. OLD AGE ACTIVE (Pension Cases), Oct. 1934--. 11 f.d. (case no.).
Applications for assistance, showing name and address of applicant, case no., departmental, insurance, and bank investigations, running record, budget, correspondence, and medical records. When a case is no longer receiving aid, the case history is placed in Old Age Cancelled (Pension Cases), entry 486. Arr. num. by case no. Hdw. and typed on ptd. fm. 12 x 12 x 30.

485. O. A. P. Active (Old Age Pension Index), Oct. 1934--. 1 f.d.
Alphabetical index to Old Age Active (Pension Cases), showing case no., name and address of applicant, and dates of application and grant. Typed on ptd. fm. 6 x 3 x 30.

486. OLD AGE CANCELLED (Pension Cases), Oct. 1934--. 5 f.d. (case no.).
Case histories of persons who have received aid, but whose cases have been closed. Cases formerly filed in Old Age Active (Pension Cases), entry 484. Arr. num. by case no. Hdw. and typed on ptd. fm. 12 x 12 x 30.

487. O. A. P. CANCELLED (Old Age Pension Index), Oct. 1934--. 1 f.d.
Alphabetical index to Old Age Cancelled (Pension Cases), showing case no., name and address of applicant and dates of application, grant, and cancellation. Typed on ptd. fm. 6 x 3 x 30.

488. OLD AGE DISMISSALS (Rejected Applications), Oct. 1934--. 9 f.d.
Applications rejected for ineligibility, showing name and address of applicant, date of application, case history, and cause of rejection. Arr. alph. by surname of applicant. Hdw. and typed on ptd. fm. 12 x 12 x 30.

The Board of Trustees of Mothers' Assistance - Mothers' Assistance Fund; Pension Fund for Blind; Old Age Pension Fund (489)

489. O. A. P. (Old Age Pension) DISMISSED, Oct. 1934--. 1 f.d. Card record of Old Age Dismissals (Rejected Applications), showing name and address of applicant, and dates of application and rejection. Typed on ptd. fm. 12 x 6 x 30.

(490-491)

XXIX. LUZERNE COUNTY FRESH AIR CAMP

The Luzerne County Fresh Air Camp was established in 1927 at Kis-Lyn Farm (see Luzerne County Industrial School) for the treatment and care of undernourished children, and those from homes where tuberculosis is known to exist. Previous to this there had been no such service. The camp is under the supervision of a board of directors the members of which are identified with local private tuberculosis societies throughout the county. The building of the camp was constructed by the boys of the Luzerne County Industrial School on ground owned by the county with funds provided by the county commissioners ($12,000), while the equipment is owned by the Wyoming Valley Tuberculosis Society of Wilkes-Barre, the Tuberculosis Society of the Middle Coal Field District of Hazleton, the Nanticoke Tuberculosis Society, and the Upper Luzerne Tuberculosis Association of Pittston. The commissioners make frequent appropriations for the upkeep of the building.

The camp is divided into two periods of one month each during the summer. It accommodates one hundred children, fifty boys and fifty girls, in each camp period. The building is a single-story unit, with sleeping quarters at each end, separated by a large dining room and recreation section. All expenses are paid by local societies, which send children there (1). The camp is under the direct supervision of a nurse of the Wyoming Valley Tuberculosis Society. The teachers of "Kis-Lyn" cooperate with her in providing recreation. The camp is equipped with a swimming pool and playground (2).

The health records of each child are kept in the office of the Wyoming Valley Tuberculosis Society at the Kirby Health Center in Wilkes-Barre.

490. (FRESH AIR CAMP REPORT), 1927--. 11 reports in 1 bdl.
Yearly financial report of Luzerne County Fresh Air Camp, showing date of report, itemized list of receipts and expenditures, balance, and average cost per person per day. Arr. chron. by date of report. No index. Typed. 11 x 8 x $\frac{1}{2}$.

491. EXAMINATIONS, 1927--. 1,500 reports in 2 f.d.
Shows date, case no., name, address, age, sex, color, parent's name, personal history, results of physical examination, physician's recommendations, and signature of physician. Also contains: (Reports to Family Physician), entry 492, and (Request Form), entry 493. Arr. alph. by first letter of surname of child. No index. Typed on ptd. fm. 15 x 9 x 18.

1- Bulletin of the Pennsylvania Tuberculosis Society, Philadelphia, July 1927, p. 11. 2- Facts obtained from superintendent of the Luzerne County Industrial School, and from the president and secretary of the Tuberculosis Society of the Middle Coal Field District.

492. (REPORTS TO FAMILY PHYSICIAN), 1927--. In Examinations, entry 491. Duplicates showing date, names and addresses of child and family physician, diagnosis of case, recommendations, and name of supervisor of fresh air camp.

493. (REQUEST FORM), 1927--. In Examinations, entry 491. Request for medical tests and admission to fresh air camp, showing date, name, address, age of child, and signature of parent or guardian.

(Next entry 494, p. 200)

XXX. THE UNITED CHARITIES OF THE CITY OF HAZLETON

The United Charities of the City of Hazleton was organized in 1898 when it was known as the Hazleton Branch of the Luzerne County Humane Association, an organization devoted to the care of dependent children. Soon thereafter the smaller society of the United Charities, organized in 1894, associated with the Humane Association, and formed the United Charities of the City of Hazleton under which name it was incorporated in 1902 (1).

The present home of the United Charities was constructed in 1913. It is a three-story building with an annex, constructed in 1932, and known as the administrative building (2). The home is in charge of a matron who supervises homeless or mistreated children.

Besides supporting and managing the home, the United Charities engages in social work in the Middle Coal Field Poor District. Trained social workers under the direction of the superintendent of the United Charities investigate cases concerning neglected and delinquent children, and assist in adjusting domestic difficulties (3).

Children are also brought to the home by police for temporary care or detention pending action before the juvenile court at Wilkes-Barre (4). The superintendent of the home cooperates in all types of cases with the chief probation officer of the county, who uses the administrative building to hold hearings every other Monday to adjust family difficulties.

The United Charities receives funds from three sources. The Middle Coal Field Poor District (see The Poor Districts of Luzerne County) is legally responsible for the expenses of dependent children placed there by the district poor directors at the rate of sixty cents a day for each child (5). In 1938 this will become the legal responsibility of the county commissioners as administrative heads of the county institution district. The state contributed $1,000 a year as an outright grant. The county has also in the past made contributions as outright grants, but in recent years this aid has been discontinued (6). The institution is supported chiefly by private contributions.

The superintendent must keep records in the manner prescribed by the State Department of Welfare, and make returns at such times as the department might

1- Twenty-fifth Anniversary Report, The United Charities of Hazleton, Pennsylvania, p. 4.. 2- Ibid., p. 3. 3- Ibid., p. 2. 4- Leon Stern, The Treatment of Adult Offenders and Children in Luzerne County, Pennsylvania, Pennsylvania Committee on Penal Affairs, Philadelphia, 1929, p. 44. 5- Figures supplied by superintendent of the United Charities of Hazleton, Pennsylvania. Broken down figures of financial compensation to separate charities not specified in Annual Report of the Controller of Luzerne County, Pennsylvania, for 1937, Wilkes-Barre, 1938. 6- Annual Report of the Controller of Luzerne County, Pennsylvania, for the year 1930, Wilkes-Barre, 1931, p. 14.

direct (7); make quarterly settlements with the State Auditor General of the expenditures of state appropriations (8); submit annual reports of the number of children placed in the home, and a financial statement showing receipts and disbursements to the State Department of Welfare (9). Case histories and records of family interviews are kept in the office of the superintendent in the administrative building at 65 Madison Avenue, West Hazleton. The superintendent is not required to make any reports to the juvenile court except upon the court's request.

494. MINUTES OF THE BOARD OF DIRECTORS, 1898--. 4 vols.
Showing date of meeting, purpose, business transacted, signatures of president and secretary. Arr. chron. by date of meeting. No index. Hdw., 1898-1936; typed, 1936--. Aver. 450 pp. 14 x 8 x 2.

495. FAMILY HISTORY, 1902--. 600 papers in 12 f.d. (A-Z by contained letters of alphabet).
Family, personal, and case histories of applicants, showing name, address, type of case, date and amount of relief given, type and date of service rendered. Arr. alph. by surname of applicant. No index. Typed on ptd. fm. 12 x 12 x 24.

496. STATISTICAL RECORD, 1902--. 2,000 cards in 1 f.b.
Card record of cases, showing case no., name, address, source of application, date received, type of case, personal, and family history, date and amount of relief, and type of service given, and date of closing of case. Arr. alph. by surname of applicant. No index. Typed on ptd. fm. 2 x 36 x 24.

7- 1925 PL 762 s 500. 8- 1872 PL 1 s 45. 9- 1903 PL 11 s 1.

(Next entry 497, p. 202)

XXXI. THE CHILDREN'S HOME OF THE CITY OF WILKES-BARRE

In March 1862 a group of women met in Wilkes-Barre to establish a home for destitute and needy children (1). Prior to this time such children were the sole charges of local poor directors (see Poor Districts of Luzerne County). In 1863 a society was incorporated under the title of "The Home for Friendless Children for the Borough of Wilkes-Barre and the County of Luzerne", a name changed in 1929 to the Children's Home of the City of Wilkes-Barre. The institution was placed under the direction of a board of managers consisting of twenty-four women, and a board of trustees consisting of sixteen men (2). George M. Hollenback served as the first president.

In June 1863 work was begun on a home, a three-story brick structure, in Wilkes-Barre. It was enlarged in 1866 through state aid (3). In 1909 a hospital was erected entirely separate from the home. The institution is under the supervision of a matron appointed by the board of managers.

The home has always been supported by gifts, contributions, and endowment funds. Destitute children are placed here by the child-placement division of such charitable societies as the United Charities of Wilkes-Barre, which unlike the United Charities of Hazleton, has no permanent home of its own. Since 1893 dependent children have also been sent to the Children's Home by the juvenile court in which case they become the county's charges (5). Paid social workers of the institution investigate each child, and compile running case histories. The workers are frequently consulted by the juvenile court in cases involving dependent children. Children are often boarded in foster homes by this institution.

In 1938 the present Children's Home will be demolished. Two modern cottages will be built on the same site in accordance with the modern trend of institutional care, and a matron placed in charge of each. The cottages will contain facilities for the care of twelve children each. Other children will be placed in boarding homes. The trustees of the Martha Bennet Estate, by agreement with the Children's Home, will build one cottage and the Children's Home, the other.

A Children's Service Center will be incorporated in 1938, and will take over the work of the child placement division of the United Charities of Wilkes-Barre. It will also conduct a Child Guidance Clinic at the Children's Home and select the social workers of this institution.

A section of the old building will remain at 535 South Franklin Street as an administrative office which will house records of case histories. Those

1- Josephine Hillard and Martha Bennett Phelps, A Short Account of the Early History of the Home for Friendless Children, 1862-1912, Wilkes-Barre, 1912, p. 3. 2- Charter and By-Laws of the Home for Friendless Children, Wilkes-Barre, 1864, p. 16. 3- Hillard and Phelps, op. cit., p. 10. 4- Ibid., p. 13. 5- 1893 PL 339.

will be found on the first floor. The director is not required to make any reports to the juvenile court, but must send reports to the State Department of Welfare upon request (6).

In 1937 the Children's Home in Wilkes-Barre received $2,190 from Luzerne County for the care of dependent children, on a per diem basis (7).

497. MINUTES OF BOARD OF DIRECTORS' MEETINGS, 1900--. 7 vols.
Minutes of Board of Directors' meetings, showing date of meeting, names of members present, reports, business transacted, and signature of secretary. Arr. chron. by date of meeting. No index. Hdw. Aver. 300 pp. 10 x 12 x 2. Supt. desk.

498. RECORD OF ADMISSIONS AND DISCHARGE OF CHILDREN, 1862--. 17 vols. (dated).
Record of children admitted and discharged, showing name, address, sex, and age of child, date of admission, names and addresses of parents or relatives, length of residence in Home, and date and condition of discharge. Arr. chron. by date of admission. Indexed alph. by first letter of surname of child. Hdw. Aver. 300 pp. 11 x 15 x 2. 1862-1929, 14 vols., bsmt. vlt.; 1930--, 3 vols., supt. desk.

6- 1925 PL 772 s 500. 7- Figures supplied by controller's office of Luzerne County.

(Next entry 499, p. 205)

XXXII. SURVEYOR

The Dutch Governors at New York made titles for lands on the Delaware by patent. The English, under the Duke of York, confiscated lands of those who had borne arms against them, and required all lands to be held under English authority. Under Andros, as under Penn, the system was adopted of granting vacant lands by warrant and survey. For this purpose Penn appointed a Surveyor General who had no official status, but superintended the execution of surveys with the aid of deputy surveyors appointed for each county (1).

The office of Surveyor General, first given legislative sanction in 1781 (2), was abolished by the Constitution of 1874, and its functions were taken over by the Secretary of Internal Affairs (3). The duties of the deputy surveyor were taken over by the county surveyor when the office of deputy surveyor was abolished in 1850 (4). The incumbent of this office must be a practical surveyor (5) and his term is four years (6).

In order to understand the duties of the county surveyor, it is necessary to review the duties of deputy surveyors in their relation to the Surveyor General. The bulk of the Surveyor General's duties consisted of surveying, pursuant to warrant (7), lands to which patents had not yet been issued (8). To aid the Surveyor General in his work, the deputy surveyor was authorized to act within a definitely prescribed district (9). He was required to survey, enter in a survey book (10), and make an annual report to the Surveyor General of the amount of land surveyed by him upon each warrant (11). He kept accounts of all lands sold and fees paid on warrants and patents, which he forwarded to the Surveyor General, who forwarded them to the Auditor General (12) and paid the fees into the state treasury (13). The deputy surveyor furnished to the board of county commissioners information necessary for levying and collecting taxes on realty, and made returns of all lands surveyed within his district (14). All of these duties were taken over by the county surveyor when that office was established in 1850 (15).

The county surveyor receives from the Secretary of Internal Affairs the lists of names of warrantees of tracts of unpatented land within the county, which he formerly received from the Surveyor General (16). He is required to notify the owners that their tracts are unpatented and that the Attorney General

1- Thomas Sergeant, A View of the Land Law of Pennsylvania, Philadelphia, 1838, pp. 20-36. 2- 1781, 1 Sm L 529; 1785, 2 Sm L 317 s 1. 3- Const., Art. IV s 19; 1874 PL 135 s 4. 4- 1850 PL 434 s 5, 10. 5- 1929 PL 1278 s 51, 160; 1931 PL 401 s 1. 6- Const., Art. XIV s 2 as am. 1909. 7- 1792, 3 Sm L 70 s 3. 8- 1781, 1 Sm L 529 s 5. 9- 1781, 1 Sm L 529 s 3; 1785, 2 Sm L 317 s 15; 1792, 3 Sm L 70 s 6. 10- 1792, 3 Sm L 70 s 5. 11- 1785, 2 Sm L 317 s 10; 1792, 3 Sm L 70 s 7. 12- 1809 PL 122, 5 Sm L 46 s 6. 13- 1811 PL 145, 5 Sm L 228 s 28. 14- 1804 PL 517, 4 Sm L 201 s 1. 15- 1850 PL 434 s 5 rep. 1929 PL 1278 s 1051 but reen. in s 161. 16- 1864 PL 914 s 1; 1872 PL 51 s 2.

will institute process for collection of arrearages unless paid within a prescribed time. If such lands are unseated and sold for taxes, and the time limit for their redemption has not expired, the surveyor must notify the parties who last paid the taxes previous to the sale (17). Upon receiving such lists he is also required to file a copy in the prothonotary's office, together with a note of the fact that service of notice was made (18). At the request of the owner of an unpatented tract, the surveyor must make the necessary survey (19).

The importance of the elective office of surveyor has diminished in recent years. The office is allowed to go unfilled in many counties, but Luzerne still elects a surveyor, although most of his duties have been taken over by the county engineer (see Engineer). The surveyor's only duty today is to determine exact boundaries in disputes between municipalities. In certain instances, the courts of Luzerne County must appoint the surveyor as a viewer.(see Board of Viewers).

The surveyor receives a nominal salary from the county, but is not furnished with an office or supplies. The surveyor of Luzerne County keeps no records.

17- 1872 PL 51 s 2. 18- Ibid., s 3. 19- Ibid., s 4.

XXXIII. ENGINEER

County engineering work was done by regularly appointed engineers in only a few instances in colonial Pennsylvania. The greater part of such work was done by individuals appointed by the board of county commissioners whenever necessary. There was no legislative provision for the appointment of a county engineer until 1919, although earlier acts on related subjects indicate his existence (1). Under the act of 1919, the county commissioners may appoint a registered professional engineer as county engineer for a term of four years (2). A county engineer has been appointed in Luzerne County. He receives a salary and necessary supplies from the county, and is also furnished with an office in the basement of the courthouse.

Formerly the most important duties of the county engineer were in connection with the construction and maintenance of county roads and bridges. During recent years, the State Department of Highways has taken over a large number of these roads and bridges, so that his duties in this regard have become less important. The engineer is in charge of and prepares plans, specifications, and estimates for all engineering work in the county. He furnishes the county commissioners with information about such work, and, in general, performs such duties as the county commissioners may prescribe (3). He makes plans or drafts for the board of viewers when establishing sewer districts (4). Where the county has constructed main or trunk sewers, any municipality may have the right to connect with it, but only under the supervision of the county engineer (5).

In Luzerne County, although the office of surveyor is still filled, his duties have largely been taken over by the engineer (see Surveyor).

Land Grants
(See also entries 62, 87, 336, 337)

499. (LAND WARRANTS), 1769-83. 1 vol.
Record of land warrants issued, showing name of warrantee, date of warrant, date of survey, patent no., description and location of land, and number of acres released with names of releasors. Arr. alph. by name of warrantee. No index. Hdw. on ptd. fm. 44 pp. 18 x 11 x 1. Bsmt. vlt.

500. WARRANTEE ATLAS OF LUZERNE COUNTY, 1755-1874. 1 vol.
Plots of original purchases of land from state, showing description and location of property by township or borough boundaries, plot no., and name of warrantee. Arr. alph. by name of municipality. No index. Lithographed. 35 pp. 30 x 28 x ½. Bsmt. vlt.

1- 1876 PL 13; 1911 PL 468 s 36. 2- 1919 PL 163 s 1; 1927 PL 820 No. 415 s 1; 1929 PL 1278 s 166. 3- 1919 PL 163 s 2; 1929 PL 1278 s 167. 4- 1929 PL 1278 s 1002. 5- Ibid., s 1013.

Roads and Bridges
(See also entries 200-203, 383-385)

501. TRACINGS OF MAPS FOR THE COUNTY ROADS, 1930--. 210 maps on 9 racks. 1925-30 in (Blue Prints and Rough Drafts), entry 508.
Maps of county roads, showing name of borough or township, names of roads, property owners, with frontage and description and route of road, name of compiler, and date. Also contains: (Accident and Murder Sites), entry 289. Not arr. No index. Hand-drawn. Maps, 22 x 36. Bsmt. vlt.

502. TRACINGS OF MAPS FOR THE PA. (PENNSYLVANIA) STATE HIGHWAY DEPT., 1924--. 433 items on 12 racks.
Tracings of maps of state highway routes in Luzerne County, showing route and section nos., and location of route. Arr. num. by route no. No index. Hand-traced. Maps, 22 x 36. Bsmt. vlt.

503. RECORD OF BRIDGE CONSTRUCTION AND REPAIRS, 1906-8. 1 vol. Discontinued.
Record of appropriations made for construction and repair of bridges, showing amount and date of appropriation, location of bridge by street, road, and political sub-division. Arr. alph. by name of political sub-division, entries made chron. by date of appropriation. No index. Hdw. 300 pp. 18 x 16 x 2. Off.

504. SPECIFICATIONS OF BRIDGES BUILT BY COUNTY, 1897-1912. 800 records in 8 f.b.
Specifications for bridges accompanied by blueprints, showing names of firms furnishing material and labor, items, specifications for construction and materials, location of bridge, and signatures of county engineer and inspectors. Arr. chron. by date filed. No index. Typed. 11 x 3 x 15. Comms. bsmt. vlt.

Miscellaneous

505. DAMAGE RELEASE (Road and Bridge Department), 1928-29. 300 sheets in 1 bdl.
Releases, discharging the county from further liability to property owners awarded damages in condemnation proceedings, showing name of property owner, highway location, land boundaries, damage done, amount paid to property owner, date of release, and signatures of witnesses and property owner. Arr. chron. by date of release. No index. Typed. 11 x 9 x 2. Cont. bsmt. vlt.

506. TRACINGS OF CONSOLIDATED TOWNSHIPS, 1924--. 35 maps on 3 racks.
Maps of consolidated townships of Luzerne and Lackawanna Counties, showing name of township, location and boundaries, date compiled, and name of chief engineer. Not arr. No index. Hand-drawn. Maps, 22 x 36. Bsmt. vlt.

507. TRACINGS OF MAPS OF LEGISLATIVE DISTRICTS, 1924--. 115 maps on 6 racks.
Maps of legislative districts, showing name of municipality, district no., street names, ward and municipality boundaries, ward nos., lines of voting precincts, principal buildings and landmarks. Arr. num. by legislative dist. nos. No index. Hand-drawn. Maps, 22 x 30. Bsmt. vlt.

Engineer - Miscellaneous (508)

508. (BLUE PRINTS AND ROUGH DRAFTS), 1923--. 1,300 papers in 80 bins. Miscellaneous prints and drafts of state roads, damage claims, voting precincts, legislative districts, consolidated townships, and municipalities, showing date drawn, description, location and boundaries of property, roads, districts, name of municipality, and interested parties (as in case of roads and damage claims), names of compiler and county engineer. Also contains: (Accident and Murder Sites), 1923-30, entry 289; Tracings of Maps for the County Roads, 1923-30, entry 501. Not arr. No index. Blueprints and hand-drawn. Prints and drafts aver. 24 x 48. Bsmt. vlt.

XXXIV. BOARD OF VIEWERS

From the earliest colonial times the management of roads and bridges has been vested in the county (see Engineer). Public highways were at first laid out by order of the Governor while private roads connecting them were opened at the instance of the court of quarter sessions, if viewers appointed by the court had previously made a favorable report upon the projected enterprise. Bridges were likewise built at county expense. The court of quarter sessions named overseers, who were responsible for keeping in repair all highways within their territorial limit (1). Subsequent legislation transferred the latter function to the township. Overseers henceforth became elected township officers (2).

In the nineteenth century it remained the duty of the court of quarter sessions to appoint road viewers upon receipt of a petition to grant a view for the purpose of opening, grading, or vacating public and private roads and bridges; and for the assessment of damages. The viewers were required to make a report to the court stating whether or not the proposed road or bridge was necessary (3).

Today the court must appoint a county board of viewers consisting of not less than three nor more than nine members, one third of whom may be surveyors or members of the bar. In Luzerne County there are nine members on the board. Each viewer is appointed for a term of three years (4). Whenever viewers are appointed by any of the courts of Luzerne County in matters requiring the services of a surveyor, these courts must appoint the county surveyor as one of the viewers (5).

Upon receipt of a petition to grant a view the court appoints a board of view consisting of three members, one of whom must be learned in the law, from among the members of the board of viewers of the county. Reports of this board are filed with the court. They must set forth the amount of damages assessed and a plan showing the properties affected. Each report must be concurred in and signed by at least two of the viewers. In case of failure of any board to file a report a new board of view must be appointed by the court (6). Appeals from any action may be filed in the court whereupon it becomes the duty of the county board of viewers to prepare trial-lists. All hearings of the board of viewers on appeal cases must be held publicly in the courthouse (7).

1- E.R.L. Gould, Local Government in Pennsylvania, Baltimore, 1883, I, 29. 2- Ibid., p. 30. 1802, 3 Sm L 512 s 2; 1836 PL 556 s 6. 3- 1802, 3 Sm L 512 s 1; 1836 PL 555 s 1, 11, 35. 4- 1911 PL 1123 s 1; 1929 PL 867 s 1; 1929 PL 1278 s 171, 174; 1931 PL 401 s 1. 5- 1869 PL 1249 s 1. 6- 1911 PL 1123 s 5; 1929 PL 866 s 1. 7- 1911 PL 1123 s 6, 7.

XXXV. SEALERS OF WEIGHTS AND MEASURES

In the early days of the American colonies much attention was given to public weighing and measuring. An Act of 1676 ordered that the high constable in each riding should provide at the public charge, standards of weights and measures. He was also charged with the duty of requiring constables and overseers in every town to provide, at the expense of the towns, conforming weights and measures. There were numerous other laws and orders on this question passed in these early days. Following the adoption of the Constitution of the United States we find in Pennsylvania much legislation dealing with the inspection of weights and measures, the standard weight of commodities, and the size of containers. The Act of 1834 fixed the standards and denominations of standards of weights and measures in Pennsylvania, and is still in effect (1).

In 1845 the General Assembly authorized the Governor to appoint a sealer of weights and measures in each county for a term of three years. His duties were to stamp officially all measures tested by him (2). In 1883 the office of sealer of weights and measures was abolished (3). Further efforts on the part of local administrators of the laws relating to the regulation of standard weights and measures were without legislative authorization until 1895, when an act was passed providing for the appointment by the Governor of inspectors designated by the board of county commissioners, in cities of the first and second class, for a term of four years (4). In 1911 provision was made for the county commissioners to appoint one or more competent persons as county sealers or inspectors of weights and measures, to hold office during good behavior (5). There are at present three sealers in Luzerne County.

Four times a year the sealers must inspect and adjust all measures, scales, and weights (6). They must take charge of the standards furnished by the chief of the State Bureau of Weights and Measures, and they have the power to test all instruments used in weighing and measuring anything to be sold, including instruments for weighing at coal mines, weighing machines, and scales installed in places frequented by the public.

Purchasers of uninspected new scales, weights, or measures must, before using, request the sealers to test them, and if they cannot be adjusted, they must be removed and destroyed (7). The sealers must seal weights and measures when they find that they comply with all regulations. However, any such devices

1- A Compilation of Laws Relating to Weights and Measures, Legislative Reference Bureau, Harrisburg, 1934. See also Manual of Inspection and Information for Weights and Measures Officials, Bureau of Standards, Washington, 1918, and Federal and State Laws Relating to Weights and Measures, Bureau of Standards, Miscellaneous Publication No. 20, Washington, 1926. 2- 1845 PL 443 s 5 rep. 1883 PL 6. 3- 1883 PL 6. 4- 1895 PL 386 s 1. 5- 1911 PL 275 s 1; 1913 PL 960 s 1, held unconstitutional in Comm. vs. Hoyt, 254 Pa. 45 (1916), and in Comm. vs. Leary, 63 Sup. 434 (1915). 1917 PL 1102 s 1. 6- 1845 PL 443 s 6 rep..1883 PL 6; 1895 PL 386 s 3. 7- 1895 PL 386 s 5.

which are later found to be defective, may be confiscated (8).

The sealers must enforce laws prohibiting sales of dry commodities by liquid measure; sales of liquid commodities by dry measure; sales of enumerated commodities by bushel without specifying the designated weight; sales utilizing a measure without a bottom, or one which is not distinctly marked as to its capacity; sales by anyone, with intent to defraud or misrepresent any article as to weight, place of manufacture, or name of manufacturer (9).

Upon discovery of an offender it is the duty of the sealers to commence prosecution (10). They must send monthly reports on their work to the State Bureau of Weights and Measures (11).

The sealers of Luzerne County receive a salary and necessary supplies from the county, but are not furnished with an office. They meet in the office of the county commissioners on the first floor of the courthouse. They keep no records, sending all reports to the State Bureau of Weights and Measures as soon as they are made.

8- 1921 PL 389 s 13. 9- 1913 PL 965 s 2-6, 9; 1915 PL 280 s 1; 1915 PL 531 s 1; 1921 PL 253 s 1; 1923 PL 278 s 1; 1925 PL 325 s 1; 1929 PL 1259 s 1; 1931 PL 105 s 1. 10- 1921 PL 389 s 15. 11- 1911 PL 275 s 2; 1913 PL 960 s 2; 1917 PL 799 s 1; 1929 PL 1757 s 1.

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CHRONOLOGICAL INDEX

(All numbers refer to entries. A record entry number is listed under each decade which the record covers in full or in part. An entry number is underlined to call attention to the initial appearance of the record; the last listing of the entry number indicates the decade within which the record ends.)

1755-59
500

1760-69
499, 500

1770-79
40, 87, 242, 331, 499, 500

1780-89
1, 40, 47-57, 61, 69, 72, 85, 87, 110, 119-121, 139, 140, 183, 185, 200, 202, 219, 224, 226, 230, 232-234, 239, 242, 331, 499, 500

1790-99
1, 12, 13, 24, 40, 47-57, 61, 69, 72, 85, 87, 109, 110, 119-121, 122, 123, 139, 140, 183, 185, 186, 200, 202, 219, 224, 226, 230, 232-234, 239, 242, 331, 336, 345, 348, 349, 500

1800-1809
1, 8, 12, 13, 14, 15, 24, 40, 47-57, 61, 62, 69, 72, 85, 86, 87, 109, 110, 112, 114, 115, 119-123, 125, 130, 132, 139, 140, 183, 185, 186, 200, 202, 203, 219, 224, 226, 230, 232-234, 239, 242, 331, 335, 345, 348, 349, 393, 500

1810-19
1, 7, 12-15, 20, 21, 27, 40, 44, 47-57, 61, 62, 69, 72, 80, 85-87, 109, 110, 112, 114, 115, 119-123, 125, 130, 132, 139, 140, 183, 185, 186, 200, 202, 203, 219, 226, 230, 232-234, 239, 242, 273, 331, 334, 335, 342, 343, 345, 348, 393, 500

1820-29
1, 7, 9, 12, 13, 15, 19, 20, 21, 26, 27, 40, 43, 44, 47-57, 61, 62, 69, 72, 80, 85-87, 104, 105, 110, 112, 114, 115, 117, 119-123, 125, 130, 132, 139, 140, 183, 185, 186, 200, 202, 203, 219, 226, 230, 232-234, 239, 242, 331, 334, 335, 345, 348, 351, 393, 500

1830-39
1, 7, 9, 12, 13, 15, 16, 19, 21, 26, 27, 40, 47-57, 58, 61, 62, 68, 69, 72, 85-87, 100, 104, 105, 110, 112, 114, 115, 117, 119-123, 125, 130, 132, 139, 140, 183, 185, 200, 202, 203, 219, 226, 230, 232-234, 239, 242, 331, 334, 337, 341, 348, 351, 393, 500

Chronological Index

1840-49
1, 9, 12, 13, 16, 19, 21, 26, 30, 34, 37, 40, 41, 47-58, 61, 68, 69, 70, 72, 76, 80, 82, 85-87, 100, 101, 102, 104, 105, 110, 112, 114, 115, 116, 117, 119-123, 125, 130, 13[illegible], 139, 140, 162, 164, 182, 183, 185, 186, 200, 202, 203, 219, 226, 230, 232-234, 239, 240, 242, 331, 334, 341, 348, 354, 393, 500

1850-59
1, 9, 12, 13, 19, 21, 26, 30, 31, 40, 41, 47-58, 61, 65, 68-70, 72, 76, 80, 81, 82, 85-87, 100-102, 104, 105, 110, 112, 114-117, 118, 119-123, 125, 126-128, 130, 132, 133-136, 139, 140, 150, 162, 163, 164, 177, 178, 182, 183, 184, 185, 186, 191, 200, 202, 203, 204-207, 219, 221, 226, 227, 230, 231, 232-234, 238, 239, 240, 242, 308, 331, 334, 348, 354, 357, 362, 390, 398, 500

1860-69
1, 9, 11, 12, 13, 21, 26, 29, 30, 31, 40, 47-58, 61, 65, 68-70, 72, 75, 76, 80-82, 85-87, 92, 94, 100-102, 103, 104, 105, 107, 110, 112, 114-123, 125-128, 130, 132-136, 139, 140, 150, 162-164, 177, 178, 182-186, 191, 200, 202-207, 218, 219, 221, 226, 227, 230-234, 236, 237, 238-240, 242, 284, 308, 331, 335, 348, 354, 356, 357, 362, 390, 456, 460, 498, 500

1870-79
1, 3, 5, 9, 11-13, 21, 26, 30, 31, 32, 35, 40, 42, 47-58, 61, 63, 64, 65, 68-70, 71, 72, 74, 75, 76, 78, 80-82, 85-87, 90, 91, 92, 94, 96, 100-103, 107, 110, 112, 114-123, 125-128, 130, 131, 132-136, 139, 140, 150, 157, 162-164 177, 178, 179, 180, 181-186, 200, 202, 204-207, 209, 210, 216, 218, 219, 220, 221, 222, 226, 227, 229, 230-234, 235, 236-240, 241, 242, 243-245, 261, 263, 273, 284, 285, 290, 292, 295, 296, 300, 304, 306, 307, 308, 310, 311, 317, 319, 320, 331, 333, 344, 347, 348, 354, 357, 360, 362, 366, 390, 391, 398, 404, 427, 430, 431, 456, 460, 461, 463, 498, 500

1880-89
1, 3, 5, 9, 11, 12, 17, 18, 19-21, 25, 26, 30-32, 35, 38, 40, 46, 47-58, 61, 63-65, 68-72, 74-76, 78, 79, 80, 85-87, 90-92, 94, 96, 100-103, 107, 110, 112, 114-123, 125-128, 129, 130-136, 139, 140, 149, 150, 154, 157, 158, 161, 162, 163, 168, 176, 177, 180-186, 187, 200, 202, 204-207, 209, 210, 216, 217, 218-222, 226, 227, 229-231, 233-245, 251, 258, 260, 261, 263, 273, 275, 279, 284, 285, 290, 292, 295, 296, 300, 304, 306-308, 310, 311, 317, 319, 320, 331, 339, 347, 348, 353, 354, 355, 357, 359, 364, 365, 366, 390, 391, 398, 404, 427, 430, 431, 456, 460, 461, 463, 498

1890-99
1, 3, 9, 11, 12, 17-21, 25, 26, 30, 31, 35, 38, 40, 46-58, 61, 63-65, 66, 67, 68-72, 74-80, 82, 85-87, 88, 89, 90-92, 94, 95, 96, 100-103, 107, 110, 111, 112, 114-121, 124, 125-136, 139, 140, 149, 150, 154, 157, 160, 161-163, 165, 170-172, 174, 175, 177, 181-183, 185-187, 188, 190, 193, 200, 201, 202, 204-207, 208, 212, 216-218, 220-222, 225, 226, 227, 228, 229-231, 233-245, 251, 254-257, 258, 260, 261, 263, 273, 275, 284, 286, 290, 292, 296, 300, 304, 306-308, 310, 311, 315, 316, 317, 318, 319, 320,

Chronological Index

331, 339, 340, 347, 348, 353-355, 357, 359, 365, 366, 373, 375, 390, 391, 396, 397, 399, 404, 406, 410, 411, 421, 422, 424, 427, 430, 431, 456, 460, 461, 463, 494, 498, 504

1900-1909

1, 3, 6, 9, 11, 12, 17-21, 22, 23, 25, 26, 35, 36, 38, 40, 46-58, 61, 63, 64, 66-72, 74, 76, 77, 78-80, 82, 83, 85-92, 94, 95, 97, 98, 100-103, 107, 108, 110-112, 113, 114-121, 123-129, 131-136, 139, 140, 144, 149, 150, 152, 155, 157, 161-163, 170-172, 174, 175, 177, 180, 181, 183, 185-188, 189, 190, 193, 194, 195, 201, 202, 204-206, 208, 210, 212, 216-218, 220-222, 225-229, 231, 233-239, 241-245, 251, 254-258, 260, 261, 263, 270-272, 273, 274, 275, 279, 280, 283, 284, 286, 290, 292, 293, 296, 297, 300, 304, 306-308, 310, 311, 315-318, 320, 321, 331, 339, 340, 347, 348, 353, 354, 357, 359, 361, 366, 373, 382, 386, 387, 390, 395, 396, 397, 399, 402, 404, 406, 410, 411, 412, 414-418, 420, 421, 422, 425, 426, 427, 431, 432, 437, 456, 460, 461, 463, 464-467, 494, 495-497, 498, 503, 504

1910-19

1, 3, 6, 9, 11, 12, 17-20, 22, 28, 38, 39, 40, 45, 46-58, 61, 63, 64, 66-72, 73, 74, 76-80, 82, 83, 86-89, 91, 93, 97, 98, 99, 103, 106-108, 110, 113-115, 117, 119-121, 124-129, 131, 133-136, 137, 138, 139, 140, 143, 144, 147, 148, 149, 150, 151-153, 154, 156, 157, 159, 161-163, 166, 169, 170-172, 174, 175, 177, 180, 181, 183, 185, 186, 188-190, 193-195, 202, 211, 217, 218, 220-222, 225-229, 231, 233-239, 241-243, 245, 250, 251, 258, 261, 262, 263, 264, 266, 267, 270-275, 279, 280, 283, 284, 286, 290, 292, 296, 297, 300, 302, 304, 308, 310, 311, 316, 320, 321, 328, 331, 333, 339, 340, 346, 347, 348, 353, 354, 357, 363, 373, 382, 386, 390, 395, 396, 399, 402-406, 410-412, 414-418, 419, 420, 422, 423, 424, 427, 431, 434, 437, 439, 440, 443, 456, 457-459, 460, 461, 463-467, 468-474, 494-498, 504.

1920-29

1, 2, 3, 4, 9, 17-20, 22, 33, 38-40, 46-58, 59, 60, 61, 63, 64, 66-74, 76-78, 80, 82, 83, 84, 86-89, 91, 93, 97-99, 103, 106-108, 110, 113-115, 119-121, 125-129, 131, 133-140, 143, 145, 146, 147-154, 156-158, 161-163, 166, 167, 170, 171, 173, 174, 175, 177, 180, 181, 183, 185, 186, 188-190, 192, 193-195, 196, 197, 202, 210, 211, 214, 215, 217, 218, 220-222, 223, 225-229, 231, 233-235, 238, 239, 241-243, 245, 246-250, 250, 251, 257, 253, 258, 259, 261-264, 265, 266, 267, 268, 269, 270-275, 277, 278, 279, 283, 284, 286, 287, 289, 290, 292, 293, 294, 296, 297, 298, 299, 300, 302, 305, 308, 310, 311, 316, 320, 321, 322-327, 328, 331, 338-340, 346-348, 350, 353, 354, 357, 363, 364, 373, 378-380, 382, 383-385, 390, 393, 394, 395-397, 399, 400, 401, 402-406, 407-409, 410-412, 414-420, 425, 431, 432, 436, 443, 445-448, 453, 455, 456-461, 462, 463-474, 490-493, 494-498, 502, 505-508

1930--

1-4, 9, 10, 17-20, 22, 33, 40, 45-61, 63, 64, 66-74, 77, 78, 80, 84, 86-89, 91, 93, 97-99, 103, 106, 107, 110, 113-115, 119-121, 125-129, 131, 135-140, 141, 142, 143, 145-154, 156-158, 166, 167, 170, 171, 173-175, 177, 180, 181, 183, 185, 186, 190, 192-197, 198, 199, 202, 213, 214, 215, 217, 218, 220, 221, 223, 225-229, 231, 233-235, 238, 239, 241-243, 245-251, 258,259, 262-

Chronological Index

267, 269-275, 276, 278, 279, 281, 282, 283, 284, 286, 287, 288, 289, 290, 291, 292-294, 296, 298-300, 301, 303, 305, 308, 309, 312-314, 316, 320-328, 329, 330, 331, 332, 338-340, 346, 352, 353, 354, 357, 358, 364, 367-372, 373, 374, 376, 377, 378, 380, 381, 382, 383, 389, 390, 392, 395, 396, 399, 400, 401, 404, 405, 409, 411, 412, 413, 414-420, 423, 427, 428, 429, 431, 432, 433, 435, 436, 438, 439, 440, 441, 442, 443, 444, 445-448, 449-452, 453, 454, 455-474, 475-489, 490-496, 501, 502, 506-508

INDEX

Figures in arabic type refer to entry numbers; figures in italics (underscored) to pages.

Abatements, tax, see Taxes
Abbreviations, list of, 41
Accounts
See also Fees; Warrants
assessors', 158
building maintenance, 399, 411
burial, 404, 405
central poor district, 187
commissioners', 158, 29-37
controller's, 378, 379, 393-421
coroner's, 158
county, general, 420
court, 156-165, 185, 399, 411
docket, 161, 231, 361
election, 361, 399, 411
election candidates', 436, 437
engineer's, 379
fiduciaries', see Fiduciaries, accounts of
Fresh Air Camp, 490
indigents' support, 184, 200
institutions', 361, 406
jail warden's, 316-319
municipal, 358, 362, 402
poor directors', 186-188
prison board, 321, 403, 404
probation officers', 140, 326, 327
road and bridge, 362, 407-409
school, 180, 362, 363, 446, 452-454
services, 399, 411
sheriff's, 120, 121
supplies, 399, 411
transcription of records, 401
treasurer's, 354-363
inspection of, 153
witness fee, 400
Administration, cases of, 101
Adoptions, 246, 247
cases of, 139
docket, 247
index to, 248
Ad sectam judgment index, 66, 67
Advertisements, property sale, 224
Agricultural Extension Service, 18, 19
Agricultural schools, see Schools
Aid, see Poor; Relief
Albany Council, 2
Alderman, 22, 23, 69, 71, 76, 77, 183
Aliens, see Naturalization
Almshouses, see Institutions; Poor Districts
Andros, Governor
courts under, 11
land grants under, 203
ordinances of, 117
Appeals, 69, 89, 183, 188, 345
Appearance docket, 66, 122
index to, 123
Appellate court, 69, 89
Appointments, officials', see Oaths and Commissions
Appraisements
See also Estates
lists of, 157
mercantile, 152
records of, 219-221, 239, 261-269
Appraisers, 103
appointment of, 115
mercantile
appointment of, 13, 157
duties of, 153, 157
payments to, 152
tenure of office, 157
Apprentices, 185
Appropriations, state, 71, 143
Arbitration proceedings, 67, 125
Argument lists, 80-85, 176, 183, 217
Arndt, Philip John, 4
Arrests, bonds filed in, 118
Assembly, see Connecticut; General Assembly
Assessment and revision of taxes, board for
See also Taxes
appointment of, 48, 147
functions of, 13, 16
reports to, 71
tenure of office, 147
Assessments
See also Taxes

Assessments (continued)
function, 11, 44
lists of, 147
occupational, 147, 186
property, 70, 146, 147, 186
Assessors
accounts of, 158
borough, 146
county
appointment of, 146
duties of, 146, 151
district, 147
duties of, 147
Assistance, see Relief
Associations, 67
Asylums, see Institutions, mental
Atlases, see Maps
Attorney
district, see District, attorney
General, 118, 126
Attorneys, warrants of, 71
Auditors
See also Fiduciaries, accounts of; Sales
duties of, 12, 13, 15, 16
function of, 158
minutes of, 391
reports of
borough, 180
common pleas court, 162
county office, 398
index to, 163
township, 180
Auditor General, 115
duties of, 103
reports to, 90, 91 (footnote), 259
returns to, 70, 75 (footnote), 105 (footnote), 151, 152, 157, 187, 192, 200, 203
Automobiles, see Motor vehicles

Bankruptcy, 162
index to, 163
Barre, Colonel, 3
Bennet, Martha, estate of, 201
Berks County, 1
Bertillon method, see Fingerprints
Beverages, license law, 152
Births, see Vital statistics
Blind, see Institutions; Relief, assistance
Blueprints
damage claim, 508
Blueprints (continued)
district
election, 508
legislative, 508
municipality, 508
property, boundaries of, 508
road, 508
township, 508
Bonds
applications for, 90
constables', 173
courts of quarter sessions and oyer and terminer, 170-175
fiduciaries', 232, 235, 239, 245
hawkers', 71
importers of horses', 71
issuance of, 45, 131, 159, 168, 169
issues of, 424-426
miscellaneous, 175
officials', 71, 172, 173, 390
custody of, 159
index to, 72
peddlers', 71
prison, 172
recognizance, 174
sheriff's sales, posted at, 118
taxation of, 147, 338
tax collector's, 170, 171
tax sales, 70
Boroughs
auditors' reports on, 180
division of, 179
establishment of, 90
incorporation of, 130, 178
indebtedness of, 181
maps of, 500, 501, 507, 508
Boundaries
determination of, 204
property, 500, 505-508
townships and boroughs, 179
unseated lands, 337
Bradford County, 3
Bridges, see Roads and bridges
Brulé, Etienne, 1
Budgets
county, 46
school, 180, 452
Buildings, public
construction of, 168
maintenance of, 399
Burials, see Veterans
Butler, Zebulon, 2, 3

Camps, Fresh Air, 197
Canals, 5
Candidates, election
 expense accounts of, 436, 437
 lists of, 174, 430-435
Capias, see Writs
Carbon County, poor districts of, 187
Carbondale, 22
Carpenter, Benj., 3, 21
Case histories
 blind pension, 476-478, 480, 481
 index to, 479
 central poor district, 187
 Children's Home, Wilkes-Barre, 201, 498
 Fresh Air Camp, 491, 492
 Luzerne County Industrial School for Boys, 328
 mothers' assistance, 192, 469-472, 474
 index to, 473
 old age pension, 483, 484, 486, 488
 index to, 485, 487
 poor district, 457, 458
 index to, 459
 United Charities of Hazleton, 495, 496
Cash books
 sheriff's, 280
 treasurer's, 354-356
 warden's, 319
Census, 146, 342
Central poor district
 accounts of, 187
 almshouse, 186
 case histories, 187
 directors of, 13, 187
 establishment of, 185, 193 (footnote)
 hospital, 186
 infirmary, 186
 location of records of, 35
 Retreat, 19, 20, 35, 186, 189, 457
Certificates
 professional, 71
 teachers', 180
Certiorari, see Writs
Charities, see Institutions; Poor; Relief
Charters
 borough, 178
 corporation, 63, 65
 index to, 64
Charter of Liberties, 117
Charter of Privileges, 118
Child Guidance Clinic, 201
Children
 See also Institutions; Poor; Schools
Children (continued)
 bureau of, 192
 care of, 119, 139, 142, 184, 187, 188, 192, 197, 199, 201, 193-199, 297, 298, 328
 guidance clinic for, 201
 hospital for, 201
 Service Center for, 201
Circuit court, 66, 109
Citation docket, 236
Civil Service Commission, 118
Church wardens, 184
Clerk of courts, see Courts, quarter sessions and oyer and terminer
Coal
 companies
 assessments of, 332
 Lehigh Coal and Navigation, 5
 Lehigh Coal Mining, 4
 Mount Lookout Coal, 169
 development of, 4
 mines
 accidents in, 125
 anthracite, 4, 5
Collection, tax, see Taxes
Collectors, tax, see Taxes
Commissioners, county
 accounts of, 150
 appropriations by, 192, 197
 clerk of, 12, 17, 45
 duties of, 12-16, 19, 20, 25, 89, 142, 144, 146, 147, 151, 153, 157, 165, 170-172, 174, 179, 180, 188, 193 (footnote), 199, 205, 209
 equipment and supplies of, 28, 29
 minutes of, 169, 1
 nomination petitions to, 430-440
 purchase of land by, see Lands
 records of, 1-45
 reports to, 146-151, 159, 203
 tenure of office, 44
 warrants issued by, 159, 30, 31, 33
Commissions, see Oaths and Commissions
Commitments, see Institutions; Prison; Warrants
Committeemen, county, 441
Common pleas court
 appeals to, 147, 170
 appointments by, 142
 clerk of, 144
 dockets of, 66, 67
 election duties of, 69, 174
 establishment of, 65

Common pleas court (continued)
judges of, 101, 144
jurisdiction of, 21, 23, 24, 44, 46, 65, 91, 142, 158, 185
naturalization duties of, 71
processes from, 118
reports to, 142, 152, 159
Commonwealth, Secretary of, 175
Compensation, workmen's, 72
Conditional sales, 72, 145, 146
Connecticut Assembly, 2, 26
Connecticut Company, 4
Connecticut settlers, 2, 178, 184
Constables
appointment of, 183
bonds, officials', 173
duties of, 11, 146, 184, 209
reports of, 192
Constitution of 1776, 12, 21, 101, 118, 124
Constitution of 1790, 12, 21, 101, 118, 124
Constitution of 1838, 12, 88, 101, 118, 124
Constitution of 1874, 13-15, 22, 88, 101, 118, 124, 126, 151, 168, 203
Continuance docket, 66, 67, 120, 242
index to, 121, 243
Contracts
county, 45, 159
equipment, 380, 381, 383
partnerships, 68, 70
powers of attorney, 68
index to, 69
services, 381-383
supplies, 380-383
Controller
bonds filed with, 44, 151
correspondence of, 422
duties of, 13, 15, 16, 25, 46, 48, 70, 140, 153, 158, 168, 170
equipment and supplies of, 28, 29
financial reports to, 105, 152
processes from, 118
records of, 373-422
tenure of office, 158
warrants of, 410
Conveyances, see Lands
Convict, see Prisoners
Coroner
accounts of, 158
duties of, 11, 12, 15, 16, 118, 124, 125
Coroner (continued)
records of, 283, 284
tenure of office, 124
Corporations
charters of, 63, 65
index to, 64
foreign, 105
judgments against, 103
jurisdiction over, 67
public utility, 172
Correspondence
commissioners', 45
controller's, 422
Counties
administration of, 14-16
classification of, 14
government of, 11-27
state control of, 14, 15
Courthouse
construction of, 386, 387, 426
floor plans of, 37-40
history of, 33
newspaper clippings of, 387
Criminals
care of, 184
jurisdiction over, 21-23, 46, 139
proceedings against, 76, 183, 185, 186, 191, 192, 286, 306, 400
prosecution of, 126
trials of, newspaper clippings of, 285

Damages, property, see Property
Day books, commissioners', 28, 32
Deaf, institutions for, 18
Deaths, see Vital statistics
Debt on Same Bill (D.S.B.), 66, 67
Decedents, see Estates
Decree of Trenton, 2, 26
Deeds
See also Lands
acknowledgments of, 90
commissioners', 23
conveyance, 47, 52
indexes to, 47-51
realty, 159
recorder of, see Recorder of deeds
recording of, 57
sheriff's, 71, 119, 111, 113, 114
index to, 113
treasurer's, 69, 22, 114
index to, 115
Delaware Indians, 1, 2

Delaware River, land patents on, 203
Delinquency, see Children; Institutions
Delinquent taxes, see Taxes
Dental licenses, 150
Dependents, see Institutions; Poor; Relief
Desertion, cases of, 139
Detectives, county
 duties of, 13, 16, 128
 tenure of office, 128
Disbursements, see Accounts
Discharges, prison, see Prisoners, discharge of
District
 attorney
 appointments by, 128
 duties of, 13, 15, 16, 25, 117, 119, 126
 election board reports to, 175
 indictments by, 130
 records of, 285-289
 tenure of office, 126
 courts
 judges of, 22-24
 judgments of, 66
 jurisdiction of, 91
 naturalization proceedings of, 71
Districts, see Elections, districts; Poor, districts; Schools, districts
Divorces, 68, 129
Dockets
 See also Lodgers
 accounts
 ballot box care, 361
 fiduciaries', 161, 231
 institutions, 361
 register assessors', 361
 adoption, 247
 index to, 248
 alderman's, 76
 alien, 205, 207
 appearance, 122
 index to, 123
 appropriation, state, 143
 arbitration, 125
 auditors' report, 162
 index to, 163
 capias, 272
 circuit court, 109
 citation, 236
 continuance, 120, 242
 index to, 121, 243
 convict description, 310, 311
Dockets (continued)
 cost, attorneys', 159
 court orders, sheriff's record of, 278
 criminal court, 306, 400
 crippled children's, 199
 distribution list, 228
 district attorney's, 285, 286
 ejectment, 135
 index to, 136
 equity, 126, 127
 index to, 128
 estates, 245
 execution, 110, 273
 index to, 274
 guardian, 250
 inheritance tax, collateral, 222, 261
 inquest, 284
 inventory appraisement, 221
 judgment, 104
 index to, 103, 105
 juvenile court, 194
 index to, 195
 lien, state land, 87
 marriage license, 251
 index to, 252, 253
 mechanic's liens, 101
 index to, 102
 municipal lien, 92, 95
 naturalization, 208
 non-support surety, 287
 oyer and terminer, 186
 partition, 133, 241
 index to, 134
 power of attorney, 68
 index to, 69
 prisoners', 295
 quarter sessions, 185
 real estate sales, 225, 275
 index to, 276
 road, 202
 index to, 203
 sales, conditional, 146
 sheriff's, 273, 277
 summons, 270
 index to, 271
 tax
 county, 91
 lien, 96
 trial, 176
 vagrant, 295
 vendue, 227
Doctors' reports, see Physicians

Dog licenses, 366, 367
Domestic relations, cases of, 139, 287
Drunkards, 68, 129
Duke of York
 land patents under, 203
 laws of, 11, 88, 101, 117, 184
Durkee, Colonel, 3
Durkee, Fort, 2
Dutch, land patents of, 203

Easton, 26
Education, see Schools
Ejectments, 67, 135
 index to, 136
Elections
 See also Registration
 board of, 13, 16, 47, 48, 90, 174, 175
 records of, 17, 430-441
 borough, 179, 433
 contested, 124
 districts
 defining of, 174, 175
 maps of, 507, 508
 number of votes in, 430, 432, 433
 registration in, 172
 township and borough, 179
 expenses of, 399, 414, 436, 437
 municipal, 174
 officials', 183, 213, 214
 primary, 174, 175, 434
 returns of, 174, 430-435
 supervision over, 47, 48, 69, 90, 120, 172, 174
 township, 179, 433
Encumbrances, see Mortgages
Engineer, county
 appointment of, 13, 48, 147, 205
 duties of, 204, 205
 tenure of office, 205
England, Laws Agreed Upon in, 101
English, land patents of the, 203
Epileptics, care of, 19
Equipment and supplies
 commissioners', 28, 29
 controller's, 380-383
 courthouse, 386
 insurance on, 388, 404
 prison, 315
Equity docket, 126, 127
 index to, 128
Estates
 See also Property; Wills
Estates (continued)
 decedents'
 administration of, 66, 101, 103
 appraisement of, 103, 104, 115
 sales of, 224-227
 index to, 243, 244
 partition of, 72, 240-245
 sequestration of, 119
 settlement of, 102, 104, 133, 228, 236-242, 245
 index to, 134, 243, 244
Evans, Governor, 65
Exonerations, tax, see Taxes, abatements
Expenses, see Accounts

Feeble-minded, see Guardians; Institutions, mental
Fees
 See also Accounts
 attorneys', 159
 clerk of courts', 215, 415
 coroner's, 283, 284
 jail warden's, 317
 prothonotary's, 157, 416
 recorder's, 74, 417
 register's, 258, 418
 sheriff's, 279, 280, 419
 treasurer's, 157
 witness, 400
Fell, Jesse, 4
Fictitious names, 68, 147, 148
Fiduciaries, accounts of, 102-105, 161, 162, 229-231
 index to, 163, 243, 244
Fingerprints, 126, 148, 312, 313
 index to, 314
Firearms, licenses, 281, 372
 index to, 282
Fires, forest, 35, 36
Fiscal offices, see Appraiser, mercantile; Assessment and revision of taxes, board for; Controller; Salary board; Taxes, inheritance; Treasurer
Fishing licenses, 152, 368, 369
Fort Durkee, 2
Frames of Government, 117, 124
Fresh Air Camp, county
 case histories of, 491, 492
 establishment of, 19, 197
 financial reports of, 490
 location of, 36
 physicians' reports on, 491-493

Fresh Air Camp, county (continued)
records of, 36

Game, see Fishing; Hunting
General Assembly, 12-15, 21, 27, 33, 71, 101, 142, 151, 185, 209
Goods, see Property
Gore, Obadiah Daniel, 4, 22
Government, county, 11-27
charts of, 29-32
Governor
reports to, 146
writs issued by, 118
Grand Army of the Republic, 168
Grand Jury, see Jury, grand
Grants, land, see Land
Graves, see Veterans
Guardians, 72, 105, 161, 245-250

Habeas Corpus, writs of, 119
Hawkers, bonds of, 71
Hazleton
Tuberculosis, Society of, 197
United Charities of, see Institutions, children's
Health, see Institutions
Herald of the Time, 3
Highways, department of
See also Roads and bridges; Viewers, board of
duties of, 205
maps for, 502
reports to, 90
Hollenback, George M., 201
Hollenback, Matthias, 21
Homes, see Institutions
Horses, importers of, 71
Hospitals
See also Institutions, mental
children's, 201
Hotel licenses, 210
House of Refuge, 196, 361
House of Representatives of U.S., 118
Humane Association, 199
Hunting licenses, 152, 370-372

Illegitimacy, cases of, 139
Incorporation, see Corporations
Indians, 1, 2
Indigents, see Poor
Industrial Schools, see Institutions; Schools
Infirmaries, 186
Inheritance Tax, see Taxes, inheritance
Inmates, see Institutions; Prisoners
Inquests, coroner's, 283, 284
Insane
See also Institutions, mental
accounts of committees on, 161
care of, 68, 184
cases involving
index to, 129
prison, 130
reports on, 167, 162
index to, 163
Insolvency, 130
Institution districts, see Poor districts
Institutions
See also Poor districts; Schools
almshouses
case histories of, 461-463
commitments to, 192, 457
deaths in, 463
discharges from, 463
erection of, 185
maintenance of, 14
physicians' reports, 462
Retreat, 186
appropriations for, 143
blind, 18
children's
Home - Wilkes-Barre
admissions to, 498
case histories of, 201, 498
commitments to, 192
discharges from, 498
establishment of, 201
location of records of, 36
maintenance of, 201, 202
minutes of, 497
Home for Friendless, 201
hospital, 201
Kis-Lyn, see Luzerne County Industrial School for Boys
Luzerne County Industrial School for Boys, 18, 21, 35, 46, 47, 140, 142, 143, 197, 323
Pennsylvania Industrial Reformatory, 89, 297, 298
Polk State School, 18
records of, 144, 193-199, 297, 298, 328, 406, 494-498
Sleighton Farms, 18
United Charities Home - Hazleton, 20, 21, 36, 192, 199, 200
case histories of, 495, 496

Institutions
children's
United Charities Home - Hazleton, (continued)
minutes, 494
commitments to, 126, 182, 196-199, 278, 296-298, 328, 406, 464-467
deaf
Pennsylvania School for the Deaf, Philadelphia, 18
Pennsylvania State Oral School for the Deaf, Scranton, 18
Western Pennsylvania School for the Deaf, Pittsburgh, 18
health
Fresh Air Camp, see Fresh Air Camp
Kirby Health Center, 19, 36, 197
White Haven Sanitarium, 19
Wyoming Valley Tuberculosis Society, 197
mental
See also Insane
case histories of, 464-467
commitments to, 278, 406, 457, 464, 465
deaths in, 467
delivery of patients to, 120
discharges from, 466
Laurytown Home, 20
location of, 186, 187
Pennsylvania Training School for Mental Defectives, Elwyn, 18
physicians' reports to, 464, 466, 467
Ransom, 19, 20
Retreat, 19, 20, 35, 186, 189, 457
Selinsgrove, 19
women's
delinquent, 19, 46
State Industrial Home for Women, 89
Instruction
See also Schools, public
department of, 180
state superintendent of, 179
Insurance policies, 388, 404
Internal Affairs
department of, 25, 90, 158, 159, 203
Secretary of, 90
Investigation, Federal Bureau of, 143
Invoices, 315
Iriquois Indians, 1

Jail, see Prison
Jenkins, John, Jr., 4
Journals
controller's, 375
jail warden's, 307, 316
Judges, see Courts
Judgments
common pleas, 104, 107, 108, 119, 120, 132
index to, 103, 105, 106
docket for, 65, 66, 70
index to, 69
justices of the peace, 69
satisfaction of, 66
tax on, 147, 330, 340
Judicial system, development of, 21-24, 88, 89
Juries
impaneling of, 89, 117, 120, 144, 145
lists of, 68, 144, 145, 78, 79, 183, 329, 330
Jury commissioners, 16, 17, 144
Jury, grand
functions of, 12, 15-17, 23, 24, 46, 129, 130
qualifications for, 129
reports of, 131, 184
reports to, 126, 158
tenure of office, 129
Jury wheel, custody of, 144, 145
Justices' courts, 184
Justices of peace, 12, 21-23, 69, 117, 126, 152, 184, 185, 71, 76, 77, 183
Juvenile court
jurisdiction of, 21, 23, 89, 90, 119, 201
reports to, 200
sessions of, 139
Juveniles, see Children

King Alfred, 117
Kingsley, Nathan, 21
Kingston, 1, 4
Kirby Health Center, Wilkes-Barre, 19, 36, 197
Kis-Lyn, see Institutions, children's

Lackawanna County, 3, 185, 506
Lands
See also Estates; Property; Taxes
assessment on, 70
brokers' reports on, 172
deeds for, 22, 23, 47, 52, 111, 113, 114

Lands
deeds for (continued)
index to, 48-51, 112, 115
grants of, 57, 203, 499, 500
patents on, 57, 203, 499, 500
purchases of, 119, 152, 21, 25, 26, 500
sales of, 152, 19, 20, 24, 224-226, 377
seated, 45, 11, 20, 376
unpatented
liens on, 70, 72, 118
survey of, 204
warrantees of, 203, 204
unseated, 45, 204, 12-16, 19, 336, 337, 341, 351
warrants for, 203, 499, 500
Laurytown Home, 20
Laws Agreed Upon in England, 101
Ledgers
See also Dockets
blind pension fund, 476
commissioners', 30
controller's, 394, 395, 402
lawyers' account, 160
mothers' assistance, 469
old age pension, 483
prothonotary's, 156
state license, 364
tax collectors', 3, 171, 353, 373
transcribing clerk's, 401
treasurer's, 357, 358
trial list deposit, 158
Legislature, first meeting of, 57
Lehigh and Susquehanna Railroad, 5
Lehigh Coal and Navigation Company, 5
Lehigh Coal Mining Company, 4
Lehigh River, 5
Licenses
auctioneers', 152
automobile, 155
ballroom, 127
brokers', 152
dance hall, 127
dental, 150
dog, 152, 366, 367
firearms, 281, 372
index to, 282
fishing, 152, 368, 369
hotel, 210
hunting, 152, 370-372
issuance of, 90, 91, 120
jacks', 71
kennel, 152
Licenses (continued)
ledger of, 364
liquor, 91, 152
transfers of, 211
malt beverage, see Liquor
marriage, see Vital statistics
medical, 149
mercantile, 365
midwifery, 153
motor vehicle, 155
night club, 152
optometry, 152
osteopathy, 151
peddlers', 71
petitions for, 209
pool room, 152
restaurant, 152, 210
stallion, 71, 212
theatre, 152
veterans', 71
veterinary, 154
Liens
See also Taxes
discharge of, 66, 67
land, unpatented, 70, 72, 118
manual labor, 72
mechanic's, 72, 98, 100, 101
index to, 93, 99, 102, 103
municipal, 70, 92, 94, 95, 98
index to, 93, 99, 103
shipbuilders', 72
State, 62, 87, 88, 143, 263
tax
county, 45, 17, 89, 91, 96
index to, 18, 93, 103
Federal, 70
Liquor Board, state, 91, 152
Liquor licenses, 91, 152, 211
Litchfield County, Connecticut, 5, 27
Locality index, 69
Lower courts, 69
Lunacy, see Insane
Luzerne, Chevalier de la, 3
Luzerne County Fresh Air Camp, see Fresh Air Camp
Luzerne County Industrial School for Boys, see Institutions, children's

Mandamus, see Writs
Maps
borough, 178
district, 507
Lackawanna County, 506
legislative, 507

Maps (continued)
Luzerne County, 7-10
real estate, 66
index to, 67
road and bridge, 202, 501, 502, 508
index to, 203
township, 506
warrantee, 500
Marriages, see Vital statistics
Mauch Chunk Railroad, 5
Mayors' courts, 22
Measures, see Weights and Measures
Mechanic's liens, see Liens
Medical licenses, 149
Medical reports, see Physicians
Memorandum books
assessment, 333
commissioners', 27
court, 131
judgment, 107
quarter sessions court, 190
treasurer's, 356
Memorials, erection of, 130
Mental hospitals, see Institutions, mental
Mercantile Appraiser, see Appraiser
Mercantile licenses, 365
Mercantile lists, 153
Mergers, 68
Middle Coal Field Poor District, see Poor districts
Midwifery licenses, 153
Mifflin, Governor, 12
Military affairs, department of, 48
Military service, lists for, 47, 146
Mines
accidents in, 125
anthracite, 4, 5
inspector of, 125
Minors
commitments of, see Institutions, children's
guardians for, 105, 246-250
Minutes
auditors', 391
blind pension fund, 475
Children's Home of Wilkes-Barre, 497
commissioners', county, 169, 1, 335, 392
common pleas court, 86
mothers' assistance, 468
old age pension, 482
orphans' court, 105, 218
poor board, 456
Minutes (continued)
prison board, 320
quarter sessions and oyer and terminer, 177
register's, 103
salary board, 427
sinking fund commission, 423
United Charities of Hazleton, 494
Mocanaqua Underpass, 385
Moneys, see Fees
Moravian Missionaries, 1
Morgue, maintenance of, 131
Mortgages
assignment of, 66
original, 61
recording of, 57, 53
index to, 54-60
tax on, 147, 338, 339
Mothers' assistance, see Relief, assistance
Motor vehicle code, 89
Motor vehicles
county owned, 389
licenses for, 155
Mount Lookout Coal Company, 169
Municipal liens, see Liens
Municipalities, see Townships; Boroughs

Names, fictitious, 68, 147, 148
Nanticoke Tuberculosis Society, 197
Naturalization
jurisdiction over, 71, 91
records of, 137-139, 141, 142, 204-208, 429
index to, 140, 205, 207
Nesbitt, James, 3, 21
New Castle, 11
New England
See also Connecticut
influence of, 184
Newspapers
courthouse clippings, 387
criminal trials, clippings, 285
Herald of the Times, 3
Nominations, petitions for
borough, 439
city, 440
county, 440, 441
general, 174, 175
township, 438
Northampton County, 2, 26
Northumberland County, 2, 12, 26

Oaths and Commissions

Oaths and Commissions (continued)
administration of, 71, 159, 174
appointments, 75
approvals of, 75
confirmations of, 75
officials', 71, 73, 118
index to, 72
school superintendent's, 179
Officers, county
accounts of, 158
appointment of, 182, 389
removal of, 182
Offices, county
location of, 33, 34
petitions for, see Nominations
Old age pension, see Relief, assistance
Optometric licenses, 152
Orphans' court
See also Register of Wills
clerk of
duties of, 102, 105
records of, 104
tenure of office, 101, 102
establishment of, 22
judge of, 13
jurisdiction of, 12, 21, 23-25, 89, 101, 103
processes from, 118
Osteopathic licenses, 151
Outdoor relief, see Relief
Oyer and terminer, court of, see Quarter sessions and oyer and terminer court

Pardons
applications for, 127
board of, 127
Parish, 11, 184
Parole, cases of, 139
Partitions, see Estates; Property
Partnerships, see Contracts
Patents, land, see Lands, grants of
Peace officer, 120
Peddlers
bonds of, 71
licenses for, 71
Penal administration, 17
Penn, William, 11, 101, 184, 203
Pennamite Wars, 2, 26
Pennsylvania Industrial Reformatory, 89
Pennsylvania Institution for the Blind, Pittsburgh, 18
Pennsylvania School for the Deaf, Philadelphia, 18
Pennsylvania State Oral School for the Deaf, Scranton, 18
Pennsylvania Training School for Mental Defectives, Elwyn, 18
Pensions, see Relief, assistance, blind; old age pension
Personalty, see Property, personal
Petitions
appointment of election overseers, 213
fictitious names, 147
license, 209
nomination, see Nominations
Physicians, reports of
almshouse, 462
blind pension, 476-478
Fresh Air Camp, 491-493
hospital, mental, 464, 466, 467
mothers' assistance, 470
old age pension, 484, 486
poor district, 457
Pickering, Timothy, 3, 12, 65
Pitt, William, 168
Pittston Tuberculosis Society, 197
Pittston-Jenkins poor district, 13, 20, 185-188
Planning board, 19
Plans, see Maps
Playground, 197
Police, Pennsylvania Motor, 132, 143
Polk State School, 18
Pontiac, 2
Poor
See also Relief
board of
minutes of, 456
report of, 460
directors of, 158, 185
accounts of, 186-188
appointment of, 186
districts
Central
accounts of, 187
almshouse, 186
case histories, 187
establishment of, 185, 193 (footnote)
hospital, 186
infirmary, 186
investigators of, 457
location of records of, 35
officers of, 13, 153, 187
Middle Coal Field
duties of, 199

Poor
districts
Middle Coal Field (continued)
establishment of, 20, 185-188
Tuberculosis Society of, 197
Pittston-Jenkins, 13, 20, 185-188
laws, 184, 185, 188, 192
maintenance of, 184-188, 195 (footnote)
schooling for, 44
Poorhouses, see Institutions, almshouses; Poor, districts
Poor relief, see Poor; Relief
Powers of attorney, see Contracts
Praecipes, see Writs
Primaries, see Elections
Principals, school, see Schools
Prison
See also Prisoners
authorization for, 46
commissioners of
appointment of, 13, 14, 16, 46, 48
bonds of, 172
duties of, 119, 120, 138
minutes of, 320
reports of, 89, 138, 183
tenure of office, 138
commitments to, 119, 277, 290-292, 294-297, 299
index to, 293
construction of, 426
custodian of, 119, 132
delivery to, 23
discharges from, 308-310
equipment and supplies of, 315
location of, 35
maintenance of, 138
physician of, 138
records of, 35, 300-307
supervision over, 138
warden of
appointment of, 138
duties of, 13, 17, 132
monthly report of, 421
register of, 132, 133, 306
Prisoners
See also Prison
care of, 132
discharge of, 193, 421
employment of, 138
identification of, 311-314
insane, 130
maintenance of, 315, 403, 404
Prisoners (continued)
pardons for, 127
parole of, 139
Probate, see Wills
Probation officers
accounts of, 140
duties of, 13, 17, 119, 139, 199
reports of, 139
tenure of office, 139
Processes, 118
Property
See also Estates; Lands; Taxes
damages to, 208, 505
partitions of, 118, 133
index to, 134
personal
assessments, 331, 343, 344
execution of, 119
taxation of, 338-340, 342
real, 57
sales of
conditional, 72, 145, 146
sheriff's, 118, 119, 152, 273, 275
auditors' reports on, 116
bonds posted at, 118
index to, 274, 276
valuations of, 146
Proprietary Administration, 11
Prothonotary
duties of, 11, 12, 15, 17, 24, 25, 65
election returns to, 174, 430
election returns from, 431
fees collected by, 157, 416
records of, 75-169
reports by, 147
reports to, 41, 88, 101, 144, 145, 151, 187, 204
tenure of office, 65
Public works, construction of, 46

Quarter Sessions and Oyer and Terminer Court
clerk of, 11, 13, 15, 17, 24, 25
duties of, 88, 89
history of, 65
records of, 90-92
reports to, 145
election duties of, 174, 175
jurisdiction of, 21, 23, 24, 46, 71, 88, 89, 91, 101, 119, 139, 146, 151, 174, 175, 186, 187, 192, 208
naturalization duties of, 71
processes from, 118

Quarter Sessions and Oyer and Terminer Court (continued)
reports to, 138-140, 145, 146, 158, 188

Railroads
construction of, 71
Lehigh and Susquehanna, 5
Mauch Chunk, 5
Ransom, 19, 20
Real estate, see Lands; Property
Receipt books
appraisers', inheritance tax, 268
court papers
clerk of courts', 216
prothonotary's, 164, 165
register's, 260
daily cash, controller's, 396
tax
commissioners', 4
inheritance, 268, 269
treasurer's, 352
controller's copy of, 376
warrant order, 31
Recognizances, see Bonds
Recorder of deeds
duties of, 11-13, 15, 17, 24, 58, 59
fees collected by, 74, 417
records of, 46-74
reports by, 147
reports to, 25, 44, 101, 151
tenure of office, 57
Records
costs of transcription of, 401
location of, 26, 33-36
system of, 17-27
Recreational facilities, 47, 197
Reformatories, see Institutions, children's
Register of wills
See also Wills; Courts, Orphans'
appointment of, 101
combination with recorder, 57
duties of, 11-13, 15, 17, 24, 102, 105
fees collected by, 258, 418
minute book, 103
records of, 217-260
reports of, 25, 115, 259
tenure of office, 102
Register General, 101
Registers
auto, 155
birth, 254, 255
bond, 424
Registers (continued)
commitment of prisoners', 292
index to, 293
death, 256, 257
dental, 150
dog, 366
medical, 149, 304
midwife, 153
optometry, 152
osteopathy, 151
stallion, 212
veterinary medical, 154
voters', 428, 429
Registration
board of
constitution of, 13, 16, 47, 48, 171
duties of, 171, 172
cost of, 414
inspectors of, 171, 172
lists, 171, 172, 428, 429
procedure for, 172
supervision over, 171, 172
Relief
See also Poor assistance
blind
pension for
applications for, 476, 477, 480, 481
case histories of, 476-478, 480, 481
index to, 479
pension fund for
establishment of, 188, 192, 193
minutes of, 475
board of, 20, 188
mothers'
administration of, 13, 20, 188, 192, 193 (footnote)
applications for, 469, 470
case histories of, 469, 470-472, 474
index to, 473
minutes of, 468
physicians' reports on, 470
records of, 36
State Department of Public, 193 (footnote)
old age pension
application for, 483, 484, 488, 489
case histories, 483, 484, 486, 488

Relief
assistance
old age pension
case histories (continued)
indexes to, 485, 487
establishment of, 183, 192, 193
minutes of, 482
physicians' reports, 484, 486
institutional, 184-188
non-institutional, 186-188, 192, 193, 199, 200, 457
outdoor, see Relief, non-institutional
State Board of Emergency, 193 (footnote)
unemployment, 20
Representatives, House of, U.S., 118
Restaurant licenses, 210
Retreat, 19, 20, 35, 186, 189, 457
Returns
constable, 192
election, 174, 430-435
tax, 5, 90
Revenue, Department of, returns to, 70, 71, 91, 92, 103, 105, 115, 119, 153, 157
Revision of Taxes, see Assessment and revision; Taxes, abatements, appeals, revision of
Roads and bridges
See also Viewers, board of; Highways, Department of
accounts of, 379
authorization for, 46
condition of, 192
construction of, 90, 130, 131, 168, 205, 182, 201
cost of, 407-409
damages to, 200, 202
index to, 203
improvement of, 90
maintenance of, 205, 208
maps of, 501, 502, 508
Market Street bridge, 383, 384
Mocanaqua Underpass, 385
taxes on, 7, 15, 341
Rush, Jacob, 3

Salary Board
composition of, 48, 159, 160
duties of, 147, 170
establishment of, 13, 16, 170
minutes of, 427
Sales, see Estates; Lands; Property
Sanitorium, 19
Satisfactions, recording of, 66
Scales, see Weights and measures
Schools
See also Institutions
administration of, 17, 18
agricultural, 451
appropriations for, 453, 454
budget for, 452
directors of, 179
district, classification of, 178
education
board of, 192
council of, 179
elementary, 447, 448
employed persons', 450
financial reports of, 180, 446, 452-454
founding of, 3
Free School Act, 178
high, 454
industrial, 328, 450
laws for, 3, 178
Pennsylvania School Code, 178
personnel of, 442-444
poor children's, 44
principals of, 179
private, 178
public, 178
statistics on, 445-451
superintendent of, county
appointment of, 17, 18
duties of, 179
election of, 179
qualifications for, 179
records of, 442-455
tenure of office, 178, 179
superintendent of, district, 179
superintendent of, state, 179
taxes for, 147, 178, 16, 333
teachers in
certificates of, 180
educational record of, 442-444
remuneration of, 178
trade, 450
transportation, 455
tuition, 454
vocational, 449-451
Wilkes-Barre Academy, 3
Wilkes-Barre Female Seminary, 4
Wilkes-Barre Institute, 4
Wyoming Academy, 4
Wyoming Seminary, 4
Schout fiscall, 115, 126
Scire facias sur liens, see Writs

Scranton, 22, 71, 333
Sealers, see Weights and measures
Selinsgrove, 19
Servants, European, 184
Seventeen townships, 2, 27
Sewers, 46, 131, 205
Sheriff
 accounts of, 120, 121, 158
 deeds of, 71
 duties of, 11-13, 15, 16, 25, 89, 117-120, 132, 133, 138, 144, 174, 184
 election returns to, 174
 fees collected by, 279, 280, 419
 records of, 71, 270-282
 sales by, see Sales
 tenure of office, 118
 writs of, 71, 270, 272, 419
 index to, 271
Shire court, 115
Sinking fund
 formation of, 168
 taxes, 331
Sinking fund commission
 appointment of, 168
 composition of, 48, 153, 159, 160
 duties of, 13, 16, 168, 169
 minutes of, 423
Sleighton Farms, 18
Smith, Wm. Hooker, 3, 21
Social Security Act, 18, 19, 192
Soldiers, see Veterans
Solicitor, 13, 48, 56, 147
Specifications
 bridge, Wilkes-Barre, 383, 384
 underpass, Mocanaqua, 385
Stallions, licenses for, 71, 212
State Appropriation Docket, 71
State Bureau of Vital Statistics, 104
State Common School Law, 3
State Department of Welfare, see Welfare
State Industrial Home for Women, 89
State Liquor Board, 91, 152
Stocks, tax on, 147
Subpoenas, 68
Sullivan, General John, 2
Summons, see Writs
Sunbury, 26
Superintendents, school, see Schools
Superior Court, 23, 118
Supplies, see Equipment and supplies
Supreme Court, 23, 24, 71, 91
Surveyor
 county
 duties of, 13, 15, 17, 45, 203, 208
 tenure of office, 203
 deputy, 12, 203
Surveyor General, 12, 203
Susquehanna Company, 2, 4, 178
Susquehanna County, 3
Susquehanna River, 1, 3, 33
Susquehannock Indians, 1
Swimming pool, 197

Talbot Act, 188
Taxes
 See also Assessment and revision of taxes; Assessments; Liens
 abatements, 6, 346-350
 appeals, 345
 assessments, 331-336, 343, 344
 coal companies, 332
 personal property, 331
 bond, 147
 bonds for sales for, 70
 collection of, 11, 16, 17, 44-46, 58, 69, 115, 151, 152, 184, 2-8
 collectors of, 45, 66, 151, 152, 186
 bonds of, 170, 171
 land reports of, 9
 ledger, 3, 353, 373, 374
 returns of, 90
 settlement, 6
 delinquent, 152, 9-27, 45
 indigents' support, 184-188
 inheritance
 appraiser, 13
 collateral, 152
 collection of, 102, 115, 222, 223, 259, 261-269
 records of, 103
 transfer of, 103
 judgments for, 147
 land, 152, 205, 375, 376
 license, 152, 157
 mortgage, 147
 poll, 184
 poor, 147
 property, 152, 338-340, 342
 receipts, 2, 4, 352, 355
 road, 7, 15, 341
 seated land, 11
 school, 147, 178, 16, 333
 sinking fund, 331
 State, 222, 223, 259, 261-269, 334, 338

Taxes (continued)
stocks, 147
unseated lands, 12-16, 336, 337, 341, 351
Wilkes-Barre, returns of, 5
Teachers, see Schools
Teedyuscung, 1
Title, land, see Lands
Townships
auditors' reports on, 180
division of, 179
establishment of, 90
incorporation of, 130
indebtedness of, 181
maps of, 500, 501, 506-508
Transportation
canals, 5
development of, 4
school, 455
Treasurer
county
accounts of, 153, 158, 8
appeals to, 157
appointment of, 151
collection of taxes by, 45
deeds of, 69
duties of, 13, 15, 16, 25, 147, 151-153, 168
election of, 151
fees of, 157
payments to, 151
receipts, 159, 2
records of, 351-372
reports of, 420
reports to, 192
tenure of office, 151
warrants drawn on, 159
state, returns to, 70, 152, 159, 203
Trenton, Decree of, 2, 26
Trial and Argument Lists, 80-85, 176, 183, 217
Trial Lists, board of viewers', 208
Tuberculosis societies
Middle Coal Field District, 197
Nanticoke, 197
Pittston, 197
Wyoming Valley, 197
Tuition, school, 454

Unemployment relief, 20
United Charities of Hazleton, see Institutions, children's
Upland court, 11
Upper court, 69
Upper Luzerne, Tuberculosis Association of Pittston, 197

Warrant docket, 295
Valuations, see Assessments
Vehicles, see Motor vehicles
Vendue, see Sales
Venire, see Writs
Veterans
burial record of, 38-40, 404, 405
enrollment of, 41, 42
graves of, 48
licenses for, 71
pensions of, 43
Veterinarian licenses, 154
Viele, Arnold, 1
Viewers, board of
See also Roads and bridges
appointment of, 200, 202
duties of, 12, 13, 15, 17, 208
index to, 203
members of, 90, 204
reports by, 71, 200, 202
index to, 203
reports to, 205
tenure of office, 208
trial lists of, 208
Villages, incorporation of, 130
Visitation, board of, 20
Vital statistics
births, 254, 255
bureau of, 104, 254, 257
deaths, 256, 257
marriages
guardians for, consent of, 249
licenses for, 102, 104, 105, 251
index to, 252, 253
records of, 104
register of, 101
reports on, 172
Voting, see Board of Elections; Registration Commission
Vouchers, controller's, 411
index to, 412, 413
Vulcan Iron Works, 6

Walpole, Sir Robert, 168
Warden
church, 184
prison, see Prison, warden of
Warrants
See also Accounts
attorneys', 71
commissioners', 159

Warrants
commissioners', (continued)
ledger of, 30, 33
receipts of, 31
commitment, 119
controller's, 410
land, see Lands, warrants for
treasurer's, 159
Washington, George, 2
Weights and measures
sealers of
appointment of, 48
duties of, 13, 14, 17, 209, 210
tenure of office, 209
standards of, 209
state bureau of, 209, 210
Weiser, Conrad, 1
Weiss, Jacob, 4
Welfare
See also Institutions; Poor Districts
department of
duties of, 14, 46, 192
reports to, 140, 193, 200, 202
Westmoreland County, 2, 26, 27
Western Pennsylvania School for the Deaf, Pittsburgh, 18
White Haven, 5, 19
Whorekill, 11
Wilkes, John, 3
Wilkes-Barre
development, 1, 3-5
institutions of
Academy, 3
Children's Home, see Institutions, children's
Female Seminary, 4
Home for Friendless Children, 201
Institute, 4
Kirby Health Center, 19, 36, 197
Wyoming Valley Tuberculosis Society in, 197
lien dockets of, 94-96
poor district of, 185
roads and bridges of, 383-385
taxpayers in, 333
tax returns of, 5
Wills
See also Estates; Register of Wills
citations, 236, 239-242, 245
index to, 243
original, 232
probate of, 101-103
transcripts of, 233
index to, 234
Witnesses
subpoena of, 171
fees of, 400
Workmen's compensation, 72
Writs
capias, 187, 272
certiorari, 69
common pleas court, 85, 117, 132
execution, 119, 110, 273
fiscal officers', 118
Governor's, 118
habeas corpus, 119
mandamus, 127
praecipes, 68
quarter sessions and oyer and terminer, 183, 187
scire facias sur liens, 118
service of, 118, 120, 121
sheriff's, 71, 270, 272, 419
index to, 271
summons, 270
index to, 271
venire, 68
Wyoming Academy, 4
Wyoming County, 3
Wyoming Historical and Geological Society, 26, 27
Wyoming Massacre, 2
Wyoming Seminary, 4
Wyoming Valley
settlers in, 1-3, 26, 27, 178
Tuberculosis Society, 197

Yankee-Pennamite War, 2, 26

Zeisberger, 1
Zinzendorf, 1

4767